00079215

Digitized with financial assistance from the
Government of Maharashtra
on 10 February, 2016

A

COLLECTION OF STATUTES

CONNECTED WITH THE

General Administration of the Law;

ARRANGED ACCORDING TO THE ORDER OF SUBJECTS:

WITH

NOTES,

79215

By Sir WILLIAM DAVID EVANS, Knt.
LATE RECORDER OF BOMBAY.

THE THIRD EDITION, CORRECTED;
COLLATED WITH THE ORIGINAL STATUTES,
AND BROUGHT DOWN TO THE
10th Geo. IV. 1829, INCLUSIVE:

By ANTHONY HAMMOND,
OF THE INNER TEMPLE, ESQ.

IN EIGHT VOLUMES.

VOL. VIII.

C.D. 16

LONDON:
SAUNDERS AND BENNING, LAW BOOKSELLERS,
(SUCCESSORS TO J. BUTTERWORTH AND SON,)
43, FLEET STREET,
1829.

348.022
Eve/Col
79215

LONDON:
PRINTED BY MILLS, JOWETT, AND MILLS,
BOLT-COURT, FLEET-STREET.

CONTENTS

TO

VOL. VIII.

PART VI.

Justices of Peace.

CLASS XXVI.

Pawnbrokers.

[No. I.] 39 and 40 George III. c. 99.—An Act for better regulating the Business of Pawnbrokers.—[28*th July* 1800.] ..... p. 1

PART VI. CLASS XXVII.

Players.

[No. I.] 10 George II. c. 28.—An Act to explain and amend so much of an Act made in the Twelfth Year of the Reign of Queen *Anne*, intituled "An Act for reducing the Laws relating to Rogues, Vagabonds, sturdy Beggars and Vagrants into one Act of Parliament; and for the more effectual punishing such Rogues, Vagabonds, sturdy Beggars and Vagrants; and sending them whither they ought to be sent," as relates to common Players of Interludes 16

[No. II.] 28 George III. c. 30.—An Act to enable Justices of the Peace to license Theatrical Representations occasionally, under the Restrictions therein contained 19

PART VI. CLASS XXVIII.

Poor.

[No. I.] 43 Elizabeth, c. 2.—An Act for the Relief of the Poor 20

[No. II.] 13 & 14 Charles II. c. 12.—An Act for the better Relief of the Poor of this Kingdom 33

[No. III.] 3 William and Mary, c. 11.—An Act for the better Explanation and supplying the Defects of the former Laws, for the Settlement of the Poor .. 69

[No. IV.] 8 & 9 William III. c. 30.—An Act for supplying some Defects in the Laws for the Relief of the Poor of this Kingdom 71

[No. V.] 9 & 10 William III. c. 11.—An Act for explaining an Act made the

last Session of Parliament, intituled "An Act for supplying some Defects in the Laws for the Relief of the Poor of this Kingdom" 75

[No. VI.] 12 Anne, st. 1. c. 18.—An Act for making perpetual the Act made in the Thirteenth and Fourteenth Years of the Reign of the late King *Charles* the Second, intituled "An Act for the better Relief of the Poor of this Kingdom;" and that Persons bound Apprentices to, or being hired Servants with Persons coming with Certificates, shall not gain Settlements by such Services or Apprenticeships: And for making perpetual the Act made in the Sixth Year of her present Majesty's Reign, intituled "An Act for the Importation of Cochineal from any Ports in *Spain*, during the present War, and six Months longer:" And for reviving a Clause in an Act made in the Ninth and Tenth Years of the Reign of the late King *William*, intituled "An Act for settling the Trade to *Africa*, for allowing foreign Copper Bars imported, to be exported" 76

[No. VII.] 5 George I. c. 8.—An Act for the more effectual Relief of such Wives and Children as are left by their Husbands and Parents, upon the Charge of the Parish 78

[No. VIII.] 9 George I. c. 7.—An Act for amending the Laws relating to the Settlement, Imployment, and Relief of the Poor 79

[No. IX.] 3 George II. c. 29.—An Act for continuing and amending an Act for regulating the Price and Assize of Bread; for Relief of Bankrupts whose Certificates were not allowed before the Expiration of a late Act "For the better preventing Frauds committed by Bankrupts;" for allowing further Time for Inrolment of Deeds and Wills made by Papists, and for Relief of Protestant Purchasers and Lessees; and for making further Provision concerning Certificates relating to the Settlement of poor Persons, and the Charges of maintaining and removing Certificated Persons 83

[No. X.] 17 George II. c. 3.—An Act to oblige Overseers of the Poor to give publick Notice of Rates made for the Relief of the Poor, and to produce the same 84

[No. XI.] 17 George II. c. 37.—An Act to prevent Disputes touching the Parishes or Places where improved Wastes, and drained and improved Marsh Lands, shall be charged to Parochial Rates 85

[No. XII.] 17 George II. c. 38.—An Act for remedying some Defects in the Act made in the Forty-third Year of the Reign of Queen *Elizabeth*, intituled "An Act for the Relief of the Poor" 86

[No. XIII.] 20 George III. c. 36.—An Act for obviating Doubts, touching the binding and receiving of poor Children Apprentices, in pursuance of several Acts of Parliament made for the Relief of the Poor within particular incorporated Hundreds or Districts; and for ascertaining the Settlement of Bastard Children born in the Houses of Industry within such Hundreds or Districts 89

[No. XIV.] 22 George III. c. 83.—An Act for the better Relief and Employment of the Poor ..... *ib.*

[No. XV.] 30 George III. c. 49.—An Act to impower Justices and other Persons to visit Parish Workhouses or Poor Houses, and examine and certify the State and Condition of the Poor therein to the Quarter Sessions 111

[No. XVI.] 35 George III. c. 101.—An Act to prevent the Removal of poor Persons, until they shall become actually chargeable.—[22*d June* 1795] .. 112

[No. XVII.] 36 George III. c. 10.—An Act for the better Relief of the Poor, within the several Hundreds, Towns, and Districts, in that part of *Great Britain* called *England*, incorporated by divers Acts of Parliament for the purpose of the better Maintenance and Employment of the Poor; and for enlarging the Powers of the Guardians of the Poor, within the said several Hundreds, Towns, and Districts, as to the Assessments to be made upon the several Parishes, Hamlets, and Places, within their respective Hundreds, Towns, and Districts, for the Support and Maintenance of the Poor.—[18*th December* 1795.] 115

[No. XVIII.] 36 George III. c. 23.—An Act to amend so much of an Act, made in the Ninth Year of the Reign of King *George* the First, intituled, "An Act for amending the Laws relating to the Settlement, Employment, and Relief of the Poor," as prevents the distributing occasional Relief to Poor Persons in

their own Houses, under certain Circumstances and in certain Cases.—[24*th December* 1795.] 117

[No. XIX.] 41 George III. c. 9.—An Act to explain and amend an Act, made in the Twenty-second Year of the Reign of his present Majesty, intituled "An Act for the better Relief and Employment of the Poor."—[8*th December* 1800.] 119

[No. XX.] 41 George III. c. 23.—An Act for the better Collection of Rates made for the Relief of the Poor.—[18*th April* 1801.] 120

[No. XXI.] 42 George III. c. 74.—An Act to amend an Act, made in the Twenty-second Year of the Reign of his present Majesty, for the better Relief and Employment of the Poor, so far as relates to the Payment of the Debts incurred for building any Poorhouse.—[22*d June* 1802.] 123

[No. XXII.] 43 George III. c. 110.—An Act to explain and amend an Act, made in the last Session of Parliament, intituled "An Act to amend an Act, made in the Twenty-second Year of the Reign of his present Majesty, for the better Relief and Employment of the Poor, so far as relates to the Payment of the Debts incurred for building any Poorhouse."—[27*th July* 1803.] 124

[No. XXII. *a.*] 45 George III. c. 54.—An Act to amend an Act, made in the Ninth Year of King *George* the First, for amending the Laws relating to the Settlement, Employment, and Relief of the Poor, so far as the same respects Contracts to be entered into for the Maintenance and Employment of the Poor. —[27*th June* 1805.] 125

[No. XXIII.] 49 George III. c. 124.—An Act for altering, amending, and explaining certain Acts relative to the Removal of the Poor, and for making Regulations in certain Cases touching the Examination of Paupers as to their Settlement; and for extending to all Parishes certain Rules and Orders in Workhouses, under an Act of the Twenty-second Year of his present Majesty, *intituled* "An Act for the better Relief and Employment of the Poor."—[20*th June* 1809.] 126

[No. XXIV.] 50 George III. c. 49.—An Act to amend the Laws for the Relief of the Poor, so far as relate to the examining and allowing the Accounts of Churchwardens and Overseers by Justices of the Peace.—[9*th June* 1810.] 128

[No. XXV.] 50 George III. c. 50.—An Act to explain and amend an Act made in the last Session of Parliament, relating to the Relief and Employment of the Poor, so far as relates to the more effectual carrying the same into Execution; and to extend the Provisions thereof to Parishes which shall not have adopted the Provisions of an Act of the Twenty-second Year of his present Majesty, for the better Relief and Employment of the Poor.—[9*th June* 1810.] 130

[No. XXVI.] 50 George III. c. 52.—An Act to amend so much of an Act, passed in the Eighth and Ninth Year of King *William* the Third, as requires Poor Persons receiving Alms to wear Badges.—[9*th June* 1810.] 132

[No. XXVII.] 52 George III. c. 160.—An Act to enable Justices of the Peace to order Parochial Relief to Prisoners confined under Mesne Process for Debt in such Gaols as are not County Gaols.—[29*th July* 1812.] 133

[No. XXVII. *a.*] 54 George III. c. 91.—An Act to amend so much of an Act, passed in the Forty-third Year of her late Majesty Queen *Elizabeth*, as concerns the Time of appointing Overseers of the Poor.—[14*th July* 1814.] .. *ib.*

[No. XXVIII.] 54 George III. c. 107.—An Act to render valid certain Indentures for the binding of Parish Apprentices, and Certificates of the Settlement of Poor Persons.—[23*d July* 1814.] 133

[No. XXIX.] 54 George III. c. 170.—An Act to repeal certain Provisions in Local Acts, for the Maintenance and Regulation of the Poor; and to make other Provisions in relation thereto.—[30*th July* 1814.] ..... *ib.*

[No. XXX.] 55 George III. c. 137.—An Act to prevent poor Persons in Workhouses from embezzling certain Property provided for their use; to alter and amend so much of an Act of the Thirty-sixth Year of his present Majesty, as restrains Justices of the Peace from ordering Relief to poor Persons in certain Cases for a longer Period than one Month at a time; and for other Purposes therein mentioned, relating to the Poor.—[4*th July* 1815.] 136

[No. XXXI.] 56 George III. c. 129.—An Act to repeal certain Provisions in Local Acts for the Maintenance and Management of the Poor.—[1*st July* 1816.] 141

[No. XXXII.] 58 George III. c. 47.—An Act to establish Fever Hospitals, and to make other Regulations for Relief of the suffering Poor, and for preventing the Increase of Infectious Fevers in *Ireland*.—[30*th May* 1818.] ..... *ib.*

[No. XXXIII.] 59 George III. c. 12.—An Act to amend the Laws for the Relief of the Poor.—[31*st March* 1819.] ..... *ib.*

[No. XXXIV.] 59 George III. c. 50.—An Act to amend the Laws respecting the Settlement of the Poor, so far as regards renting Tenements.—[2*d July* 1819.] 154

[No. XXXV.] 59 George III. c. 95.—An Act for confirming ancient Separations of Towns-Corporate from Parishes, in regard to the Maintenance of the Poor.—[12*th July* 1819.] 155

[No. XXXVI.] 59 George III. c. 137.—An Act to enable the Directors of the Poor of the several Parishes within the City of *Worcester*, and of the Parishes united therewith, to sell and dispose of certain Lands discharged of all Claims of the Crown, in respect of any Forfeiture incurred under the Statutes of Mortmain.—[13*th July* 1819.] ..... *ib.*

[No. XXXVII.] 1 George IV. c. 49.—An Act to amend the Laws relating to the House of Industry in *Dublin*.—[15*th July* 1820.] ..... *ib.*

[No. XXXVIII.] 1 & 2 George IV. c. 56.—An Act to amend an Act, passed in Twenty-second Year of his late Majesty, for the better Relief and Employment of the Poor.—[23*d June* 1821.] ..... *ib.*

[No. XXXIX.] 6 George IV. c. 57.—An Act for the Amendment of the Law respecting the Settlement of the Poor, as far as regards renting Tenements and paying Parochial Taxes.—[22*d June* 1825.] 157

PART VI. CLASS XXIX.

Rivers and Navigation.

[No. I.] 19 George II. c. 22.—An Act for the better Preservation of Havens, Roads, Channels, and Navigable Rivers, within that Part of *Great Britain* called *England* 157

[No. II.] 54 George III. c. 159.—An Act for the better Regulation of the several Ports, Harbours, Roadsteads, Sounds, Channels, Bays, and Navigable Rivers, in the United Kingdom; and of his Majesty's Docks, Dock Yards, Arsenals, Wharfs, Moorings, and Stores therein; and for repealing several Acts passed for that purpose.—[29*th July* 1814.] 157

[No. III.] 58 George III. c. 35.—An Act to provide for the maintaining of the Royal Canal from the River Liffey to the River Shannon, in Ireland.—[23*d May* 1818.] 167

PART VI. CLASS XXX.

Seditious Meetings, &c.

[No. I.] 39 George III. c. 79.—An Act for the more effectual Suppression of Societies established for Seditious and Treasonable Purposes; and for better preventing Treasonable and Seditious Practices.—[12*th July* 1799.] 167

[No. II.] 60 George III. and 1 George IV. c. 1.—An Act to prevent the Training of Persons to the Use of Arms, and to the Practice of Military Evolutions and Exercise.—[11*th December* 1819.] 167

[No. III.] 60 George III. and 1 George IV. c. 2.—An Act to authorize Justices of the Peace, in certain disturbed Counties, to seize and detain Arms collected or kept for Purposes dangerous to the Public Peace; to continue in force until the twenty-fifth day of *March* one thousand eight hundred and twenty-two.—[18*th December* 1819.] 169

[No. IV.] 60 George III. and 1 George IV. c. 6.—An Act for more effectually preventing Seditious Meetings and Assemblies; to continue in force until the end of the Session of Parliament next after five years from the passing of the Act.—[24*th December* 1819.] 171

[No. V.] 1 George IV. c. 47.—An Act to revive and to continue for two years, and from thence until the end of the then next Session of Parliament, two Acts, made in the Forty-seventh and Fiftieth years of the Reign of his late Majesty King *George* the Third, for the preventing improper Persons from having Arms in *Ireland*.—[15*th July* 1820.] 181

PART VI. CLASS XXXI.

Servants.

[*No. I.*] *5 Eliz. c. 4.*—*An Act containing divers Orders for Artificers, Labourers, Servants of Husbandry, and Apprentices* 182

[No. II.] 1 Anne, st. 2. c. 18.—An Act for the more effectual preventing the Abuses and Frauds of Persons employed in the working up the Woollen, Linen, Fustian, Cotton, and Iron Manufactures of this Kingdom 182

[No. III.] 6 Anne, c. 31.—An Act for the better preventing Mischiefs that may happen by Fire 184

[No. IV.] 12 George I. c. 34.—An Act to prevent unlawful Combinations of Workmen employed in the Woollen Manufactures, and for better Payment of their Wages ..... *ib.*

No. V.] 13 George I. c. 23.—An Act for the better Regulation of the Woollen Manufacture, and for preventing Disputes among the Persons concerned therein; and for limiting a time for prosecuting for the Forfeiture appointed by an Act of the Twelfth year of his Majesty's Reign, in case of Payment of the Workmen's Wages in any other manner than in Money 187

[No. VI.] 13 George II. c. 8.—An Act to explain and amend an Act made in the First year of the Reign of her late Majesty Queen *Anne*, intituled, "An Act for the more effectual preventing the Abuses and Frauds of Persons employed in the working up the Woollen, Linen, Fustian, Cotton and Iron Manufactures of this Kingdom;" and for extending the said Act to the Manufactures of Leather 188

[No. VII.] 20 George II. c. 19.—An Act for the better adjusting and more easy Recovery of the Wages of certain Servants; and for the better Regulation of such Servants, and of certain Apprentices 193

[No. VIII.] 22 George II. c. 27.—An Act for the more effectual preventing of Frauds and Abuses committed by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair and Silk Manufactures; and for preventing unlawful Combinations of Journeymen Dyers and Journeymen Hot Pressers, and of all Persons employed in the said several Manufactures; and for the better Payment of their Wages ..... *ib.*

[No. VIII. *a.*] 31 George II. c. 11.—An Act to amend an Act made in the Third year of the Reign of King *William* and Queen *Mary*, intituled, "An Act for the better Explanation, and supplying the Defects of the former Laws for the Settlement of the Poor," so far as the same relates to Apprentices gaining a

Settlement by Indenture; and also to impower Justices of the Peace to determine Differences between Masters and Mistresses and their Servants in Husbandry, touching their Wages, though such Servants are hired for less Time than a Year 202

[No. IX.] 14 George III. c. 44.—An Act to amend an Act made in the Twenty-second year of the Reign of his late Majesty King *George* the Second, intituled, "An Act for the more effectual preventing of Frauds and Abuses committed by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk Manufactures; and for preventing unlawful Combinations of Journeymen Dyers and Journeymen Hot Pressers, and of all Persons employed in the said several Manufactures; and for the better payment of their Wages" 204

[No. X.] 15 George III. c. 14.—An Act to explain and amend an Act, made in the Fourteenth year of his present Majesty, intituled, "An Act to amend an Act, made in the Twenty-second year of the Reign of his late Majesty King *George* the Second, intituled, An Act for the more effectual preventing of Frauds and Abuses committed by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk Manufactures; and for preventing unlawful Combinations of Journeymen Dyers and Journeymen Hot Pressers, and of all Persons employed in the said several Manufactures; and for the better Payment of their Wages." 205

[No. XI.] 17 George III. c. 56.—An Act for amending and rendering more effectual the several Laws now in being, for the more effectual preventing of Frauds and Abuses by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk Manufactures; and also for making Provisions to prevent Frauds by Journeymen Dyers 206

[No. XII.] 32 George III. c. 56.—An Act for preventing the counterfeiting of Certificates of the Characters of Servants 220

[No. XIII.] 39 & 40 George III. c. 90.—An Act for settling Disputes that may arise between Masters and Workmen engaged in the Cotton Manufacture in that part of *Great Britain* called *England*.—[28*th July* 1800.] 222

[No. XIV.] 39 & 40 George III. c. 106.—An Act to repeal an Act passed in the last Session of Parliament, intituled, "An Act to prevent unlawful Combinations of Workmen;" and to substitute other Provisions in lieu thereof.—[29*th July* 1800.] 227

[No. XV.] 41 George III. c. 38.—An Act to amend so much of an Act, passed in the Thirty-ninth and Fortieth years of the Reign of his present Majesty, intituled, "An Act to repeal an Act, passed in the last Session of Parliament, intituled, An Act to prevent unlawful Combinations of Workmen, and to substitute other Provisions in lieu thereof;" as relates to Forms of Convictions therein referred to.—[21*st May* 1801.] 238

[No. XVI.] 44 George III. c. 87.—An Act to amend an Act, passed in the Thirty-ninth and Fortieth years of his present Majesty, intituled, "An Act for settling Disputes that may arise between Masters and Workmen engaged in the Cotton Manufacture in that part of *Great Britain* called *England*.—[20*th July* 1804.] 239

[No. XVII.] 53 George III. c. 40.—An Act to repeal so much of several Acts, passed in *England* and *Scotland* respectively, as empowers Justices of the Peace to rate Wages, or set Prices of Work, for Artificers, Labourers, or Craftsmen.—[15*th April* 1813.] 244

[No. XVIII.] 57 George III. c. 115.—An Act to extend the Provisions of an Act of the Twelfth Year of his late Majesty King *George* the First, and an Act of the Twenty-second Year of his late Majesty King *George* the Second, against Payment of Labourers in Goods or by Truck, and to secure their Payment in the lawful Money of this Realm, to Labourers employed in the Manufacture of Articles made of Steel, or of Steel and Iron combined, and of Plated Articles, or of other Articles of Cutlery.—[11*th July* 1817.] ..... *ib.*

[No. XIX.] 57 George III. c. 122.—An Act to extend the Provisions of an Act of the Twelfth Year of his late Majesty King *George* the First, and an Act of the Twenty-second Year of his late Majesty King *George* the Second, against Payment of Labourers in Goods or by Truck, and to secure their Payment in the lawful Money of this Realm, to Labourers employed in the Collieries, or in

the working and getting of Coal, in the United Kingdom of *Great Britain* and *Ireland*; and for extending the Provisions of the said Acts to *Scotland* and *Ireland*.—[11*th July* 1817.] 245

[No. XX.] 59 George III. c. 66.—An Act to make further Provisions for the Regulation of Cotton Mills and Factories, and for the better Preservation of the Health of young Persons employed therein.—[2*d July* 1819.] 246

[No. XXI.] 60 George III. and 1 George IV. c. 5.—An Act to amend an Act of the last Session of Parliament, to make further Provision for the Regulation of Cotton Mills and Factories, and for the Preservation of the Health of young Persons employed therein.—[23*d December* 1819.] 247

[No. XXII.] 1 George IV. c. 93.—An Act to amend and render more effectual the Provisions of divers Acts, for securing to certain Artificers, Workmen, and Labourers, in such Acts mentioned, the due Payment of their Wages.—[24*th July* 1820.] 248

[No. XXIII.] 4 Geo. IV. c. 34.—An Act to enlarge the Powers of Justices in determining Complaints between Masters and Servants, and between Masters, Apprentices, Artificers, and others.—[17*th June* 1823.] 251

[No. XXIV.] 5 George IV. c. 96.—An Act to consolidate and amend the Laws relative to the Arbitration of Disputes between Masters and Workmen.—[21*st June* 1824.] ..... 251 *b*

[No. XXV.] 6 George IV. c. 129.—An Act to repeal the Laws relating to the Combination of Workmen, and to make other Provisions in lieu thereof.—[6*th July* 1825.] ..... 251 *m*

[No. XXVI.] 10 George IV. c. 51.—An Act to amend the Law relating to the employment of Children in Cotton Mills and Factories.—[19*th June* 1829.] ..... 251 *x*

[No. XXVII.] 10 George IV. c. 52.—An Act to extend the Powers of an Act of the Fourth Year of his present Majesty, for enlarging the Powers of Justices in determining Complaints between Masters and Servants, to Persons engaged in the Manufacture of Silk.—[19*th June* 1829.] ..... 251 *y*

PART VI. CLASS XXXII.

Sessions.

[No. I.] 2 Henry V. st. 1. c. 4.—What Justices of the Peace must be resident in the same Shire; and at what Times they must hold their Quarter Sessions 251

[No. II.] 54 George III. c. 84.—An Act for regulating the Time of holding the *Michaelmas* Quarter Sessions in *England*.—[1*st July* 1814.] ..... *ib.*

[No. III.] 59 George III. c. 28.—An Act to empower Magistrates to divide the Court of Quarter Sessions.—[19*th May* 1819.] 252

[No. IV.] 1 George IV. c. 27.—An Act to regulate the Appointment and Tenure of the Office of Clerk of the Peace in Ireland.—[30*th June* 1820.] 253

[No. V.] 1 and 2 George IV. c. 36.—An Act for the better Regulation of the Public Notaries in *Ireland*.—[28*th May* 1821.] ..... *ib.*

[No. VI.] 7 and 8 George IV. c. 67.—An Act for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in Ireland.—[2*nd July* 1827.] ..... 255 *a*

[No. VII.] 9 George IV. c. 9.—An Act to enable the Justices of the Peace for *Westminster* to hold their Sessions of the Peace during Term, and the sitting of the Court of King's Bench.—[3*rd April* 1828.] ..... 255 *f*

PART VI. CLASS XXXIII.

Sheep.

[No. I.] 38 George III. c. 65.—An Act for preventing the depasturing of Forests, Commons, and Open Fields, with Sheep or Lambs, infected with the Scab or Mange, in that Part of *Great Britain* called *England*.—[21*st June* 1798.] 256

PART VI. CLASS XXXIV.

Stage Coaches.

[No. I.] 50 George III. c. 48.—An Act to repeal three Acts, made in the Twenty-eighth, Thirtieth, and Forty-sixth Years of his present Majesty, for limiting the Number of Persons to be carried on the Outside of Stage Coaches or other Carriages, and to enact other Regulations for carrying the Objects of the said Acts into Effect.—[9*th June* 1810.] 261

[No. II.] 1 George IV. c. 4.—An Act for punishing criminally Drivers of Stage Coaches and Carriages for Accidents occasioned by their wilful Misconduct.—[6*th June* 1820.] 270

[No. III.] 3 George IV. c. 95.—An Act to reduce the Rate of Duties payable in respect of certain Carriages used and employed for the Purpose of conveying Passengers for Hire, and to make Regulations and Provisions relating to Stage Coaches and the Duties thereon.—[30*th July* 1822.] 271

[No. IV.] 7 George IV. c. 33.—An Act to make further Regulations relating to the Licensing of Stage Coaches.—[5*th May* 1826.] ..... 271 *f*

PART VI. CLASS XXXV.

Swearing.

[No. I.] 19 George II. c. 21.—An Act more effectually to prevent profane Cursing and Swearing ..... 271 *n*

[No. II.] 4 George IV. c. 31.—An Act to amend an Act passed in the Nineteenth Year of the Reign of his late Majesty King *George* the Second, intituled "An Act more effectually to prevent profane Cursing and Swearing."—[30*th May* 1823.] ..... 274 *a*

PART VI. CLASS XXXVI.

Tithes.

[No. I.] 7 & 8 William III. c. 6.—An Act for the more easy Recovery of small Tithes 275

[No. II.] 1 George I. st. 2. c. 6.—An Act for making perpetual an Act of the Seventh and Eighth Years of the Reign of his late Majesty King *William* the Third, intituled "An Act that the solemn Affirmation and Declaration of the People called *Quakers*, shall be accepted instead of an Oath in the usual Form;" and for explaining and enforcing the said Act in relation to the Payment of Tithes and Church Rates; and for appointing the Form of an Affirmation to be taken by the said People called *Quakers*, instead of the Oath of Abjuration 275

PART VI. CLASS XXXVII.

Turnips and other Field Crops.

[No. I.] 13 George III. c. 32.—An Act for repealing so much of an Act, made in Twenty-third Year of his late Majesty King *George* the Second, as relates to the preventing the stealing or destroying of Turnips; and for the more effectually preventing the stealing or destroying of Turnips, Potatoes, Cabbages, Parsnips, Pease, and Carrots 275

[No. II.] 42 George III. c. 67.—An Act to extend the Provisions of an Act made in the Thirteenth Year of the Reign of his present Majesty, intituled "An Act for repealing so much of an Act, made in the Twenty-third Year of his late Majesty King *George* the Second, as relates to the preventing the stealing or destroying of Turnips, and for the more effectually preventing the stealing or destroying of Turnips, Potatoes, Cabbages, Parsnips, Pease, and Carrots," to certain other Field Crops, and to Orchards; and for amending the said Act.—*[22d June 1802.]* 277

PART VI. CLASS XXXVIII.

Vagrants.

[No. I.] 7 James I. c. 4.—An Act for the due Execution of divers Laws and Statutes heretofore made against Rogues, Vagabonds, and sturdy Beggars, and other lewd and idle Persons 278

[No. II.] 17 George II. c. 5.—An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction 279

[No. III.] 25 George II. c. 36.—An Act for the better preventing Thefts and Robberies, and for regulating Places of Public Entertainment, and punishing Persons keeping disorderly Houses 292

[No. IV.] 26 George II. c. 34.—An Act to explain, amend and continue several Laws more effectually to prevent the spreading of the Distemper which now rages amongst the horned Cattle in this Kingdom; for the more effectual paying the Expences of passing Vagrants, for obviating Doubts that may arise touching the keeping of Prisoners, until the Prison of the *Marshalsea* of the Court of King's Bench shall be rebuilt or repaired; and for amending so much of the Act of the Twenty-fourth of his present Majesty, for regulating the commencement of the Year, and for correcting the Calendar now in Use, as relates to the Time of electing public Officers of the City of *Chester* 293

[No. V.] 23 George III. c. 88.—An Act to extend the Provisions of an Act, intituled "An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction, and to certain Cases not therein mentioned" 294

[No. VI.] 32 George III. c. 45.—An Act to explain and amend an Act, made in the Seventeenth Year of the Reign of his late Majesty King *George* the Second, intituled "An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction" 294

[No. VII.] 39 & 40 George III. c. 50.—An Act to extend the Provisions of an Act made in the Seventeenth Year of the Reign of King *George* the Second, intituled "An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction."—[20*th June* 1800.] 296

[No. VIII.] 43 George III. c. 61.—An Act for the Relief of Soldiers, Sailors, and Marines, and of the Wives of Soldiers, in the cases therein mentioned, so far as relates to *England*.—[24*th June* 1803.] ..... *ib.*

[No. IX.] 57 George III. c. 90.—An Act for the Prevention of Persons going armed by Night for the Destruction of Game; and for repealing an Act, made in the last Session of Parliament, relating to Rogues and Vagabonds.—[10*th July* 1817.] 298

[No. X.] 1 & 2 George IV. c. 64.—An Act to amend the Laws now in force relating to Vagrants, until the first day of *September* one thousand eight hundred and twenty-two.—[2*d July* 1821.] 299

[No. XI.] 5 George IV. c. 83.—An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds, in that part of *Great Britain* called *England*.—[21*st June* 1824.] 299

PART VI. CLASS XXXIX.

Weights and Measures.

[No. I.] 9 Henry III. (Magna Charta) c. 25.—There shall be but one Measure throughout the Realm 306

[No. II.] 14 Edward III. st. 1. c. 12.—Bushels and Weights shall be made and sent into every County 307

[No. III.] 27 Edward III. st. 2. c. 10.—There shall be but one Weight, Measure and Yard throughout the Realm ..... *ib.*

[No. IV.] 31 Edward III. st. 1. c. 2.—No Wool shall be bought by Fraud to abate the Price thereof. Weights shall be sent to all Shires ..... *ib.*

[No. V.] 13 Richard II. st. 1. c. 9.—There shall be but one Weight and one Measure throughout the Realm, saving in the County of *Lancaster*. The Weight of Wool, and the Refuse thereof 308

[No. VI.] 15 Richard II. c. 4.—There shall be but eight Bushels of Corn striked to the Quarter ..... *ib.*

[No. VII.] 8 Henry VI. c. 5.—Every City and Borough shall have a common Balance and Weight. Who may buy Wool and Yarn 309

[No. VIII.] 11 Henry VII. c. 4.—The Names of the Cities and Towns limited for the keeping of Weights and Measures ..... *ib.*

[No. IX.] 12 Henry VII. c. 5.—For Weights and Measures 312

[No. X.] 16 Charles I. c. 19.—An Act for the better ordering and regulating of the Office of Clerk of the Market, allowed and confirmed by this Statute; and for the Reformation of false Weights and Measures 313

[No. XI.] 22 Charles II. c. 8.—An Act for ascertaining the Measures of Corn and Salt 315

[No. XII.] 22 & 23 Charles II. c. 12.—An Additional Act for ascertaining the Measures of Corn and Salt 317

[No. XIII.] 11 & 12 William III. c. 15.—An Act for the ascertaining the Measures for retailing Ale and Beer 318

[No. XIV.] 1 Anne, st. 1. c. 15.—An Act to ascertain the Water Measure of Fruit 320

[No. XV.] 35 George III. c. 102.—An Act for the more effectual Prevention of the Use of defective Weights, and of false and unequal Balances.—[22*d June* 1795.] ..... *ib.*

[No. XVI.] 37 George III. c. 143.—An Act to explain and amend an Act made in the Thirty-fifth Year of the Reign of his present Majesty, intituled "An Act for the more effectual Prevention of the use of defective Weights, and of false and unequal Balances."—[20*th July* 1797.] 322

[No. XVII.] 55 George III. c. 43.—An Act for the more effectual Prevention of the Use of false and deficient Measures.—[2*d May* 1815.] 325

[No. XVIII.] 5 George IV. c. 74.—An Act for ascertaining and establishing uniformity of Weights and Measures.—[17*th June* 1824.] ..... 327 *a*

[No. XIX.] 6 George IV. c. 12.—An Act to prolong the time of the comencement of an Act of the last Session of Parliament, for ascertaining and establishing uniformity of Weights and Measures, and to amend the said Act.—[31*st March* 1825.] ..... 327 *m*

PART VI. CLASS XL.

Wood.

[No. I.] 13 Edward I. st. 1. c. 46.—Lords may approve against their Neighbours. Usurpation of Commons during the Estate of particular Tenants 328

[No. II.] 3 & 4 Edward VI. c. 3.—An Act concerning the Improvement of Commons and waste Grounds ..... *ib.*

[No. III.] 43 Elizabeth, c. 7.—An Act to avoid and prevent divers Misdemeanors in lewd and idle Persons ..... *ib.*

[No. IV.] 15 Charles II. c. 2.—An Act for the Punishment of unlawful cutting or stealing, or spoiling of Wood and Underwood, and Destroyers of young Timber Trees 329

[No. V.] 1 George I. st. 2. c. 48.—An Act to encourage the planting of Timber Trees, Fruit Trees, and other Trees, for Ornament, Shelter, or Profit; and for the better Preservation of the same; and for the preventing the Burning of Woods 331

[No. VI.] 6 George I. c. 16.—An Act to explain and amend an Act passed in the First Year of his Majesty's Reign, intituled "An Act to encourage the planting of Timber Trees, Fruit Trees, and other Trees, for Ornament, Shelter, or Profit, and for the better Preservation of the same, and for the preventing the burning of Woods;" and for the better Preservation of the Fences of such Woods 333

[No. VII.] 29 George II. c. 36.—An Act for inclosing by the mutual Consent of the Lords and Tenants Part of any Common for the Purpose of planting and preserving Trees fit for Timber or Underwood; and for more effectually preventing the unlawful Destruction of Trees 335

[No. VIII.] 31 George II. c. 41.—An Act to amend and render more effectual an Act passed in the Twenty-ninth Year of his present Majesty's Reign, intituled "An Act for inclosing, by the mutual Consent of the Lords and Tenants, Part of any Common, for the Purpose of planting and preserving Trees fit for Timber or Underwood; and for more effectually preventing the unlawful Destruction of Trees" ..... *ib.*

[No. IX.] 4 George III. c 31.—An Act to indemnify such Persons as have omitted to qualify themselves for Offices and Employments; * * * * * * * * * * * * and to prevent the Destruction of Trees and Underwoods growing in Forests and Chases ..... *ib.*

[No. X.] 6 George III. c. 36.—An Act for encouraging the Cultivation, and for the better Preservation of Trees, Roots, Plants, and Shrubs 336

[No. XI.] 6 George III. c. 48.—An Act for the better Preservation of Timber Trees, and of Trees and Underwoods; and for the further Preservation of Roots, Shrubs, and Plants 337

[No. XII.] 10 George III. c. 30.—An Act for rectifying a Mistake in an Act made in the last Session of Parliament, intituled "An Act for better securing the Duties of Customs upon certain Goods removed from the Out Ports and other Places to *London*; for regulating the Fees of the Officers of his Majesty's Customs in the Province of *Senegambia* in *Africa*; for allowing to the Receivers General of the Duties on Offices and Employments in *Scotland*, a proper Compensation for their Trouble and Expences; for the better Preservation of Hollies, Thorns, and Quicksets, in Forests, Chases, and Private Grounds, and of Trees and Underwoods in Forests and Chases; and for authorising the Exportation of a limited Quantity of an inferior Sort of Barley, called *Bigg*, from the Port of *Kirkwall*, in the Islands of *Orkney*" 339

[No. XIII.] 13 George III. c. 33.—An Act to extend the Provisions of an Act, made in the Sixth Year of his present Majesty's Reign, intituled "An Act for the better Preservation of Timber Trees, and of Woods and Underwoods; and for the further Preservation of Roots, Shrubs, and Plants," to Poplar, Alder, Maple, Larch, and Hornbeam 340

[No. XIV.] 45 George III. c. 66.—An Act to prevent in *Great Britain* the illegally carrying away Bark; and for amending two Acts, passed in the Sixth and Ninth Years of his present Majesty's Reign, for the Preservation of Timber Trees, Underwoods, Roots, Shrubs, Plants, Hollies, Thorns, and Quicksets.—[27*th June* 1805.] 342

PART VII. CLASS I.

Miscellaneous.

Annual Indemnity Act.

10 George IV. c. 12.—An Act to Indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those Purposes respectively, until the Twenty-fifth day of *March* one thousand eight hundred and thirty.—[13*th April* 1829.] 344

PART VII. CLASS II.

Mutiny Act.

10 George IV. c. 6.—An Act for punishing Mutiny and Desertion; and for the better Payment of the Army and their Quarters.—[23*d March* 1829.] 348

PART VII. CLASS III.

Billetting Act.

10 George IV. c. 9.—An Act for fixing, until the Twenty-fifth day of *March* one thousand eight hundred and thirty, the Rates of Subsistence to be paid to Innkeepers and others on Quartering Soldiers.—[13*th April* 1829.] 378

PART VII. CLASS IV.

Disembodied Militia Act.

10 George IV. c. 10.—An Act to Suspend, until the end of the next Session of Parliament, the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom, and to reduce the Permanent Staff, and regulate the allowances of Sergeants hereafter appointed.—[13*th April* 1829.] 380

10 George IV. c. 29.—An Act to defray the Charges of the Pay, Clothing, and Contingent and other Expences of the Disembodied Militia in *Great Britain* and *Ireland*; and to grant allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, assistant Surgeons, Surgeons' Mates, and Sergeant Majors of the Militia, until the Twenty-fifth day of *March* one thousand eight hundred and thirty.—[1*st June* 1829.] 380

PART VII. CLASS V.

Marine Act.

10 George IV. c. 5.—An Act for the regulating his Majesty's Royal Marine Forces while on Shore.—[23*d March* 1829.] 390

PART VIII. CLASS I.

Union between England and Scotland.

5 Anne, c. 8.—An Act for an Union of the Two Kingdoms of *England* and *Scotland* 446

PART VIII. CLASS II.

Union between Great Britain and Ireland.

40 George III. c. 67.—An Act for the Union of *Great Britain* and *Ireland*.—[*July 2nd*, 1800.] 460

10 George IV. c. 8.—An Act to amend certain Acts of the Parliament of *Ireland* relative to the Election of Members to serve in Parliament, and to regulate the qualification of Persons entitled to Vote at the Election of Knights of the Shire in *Ireland*.—[13*th April* 1829.] 485

A

COLLECTION

OF THE

STATUTES,

&c. &c. &c.

PART VI.

Justices of Peace.

VOL. VIII.

CLASS 26. Pawnbrokers.
— 27. Players.
— 28. Poor.
— 29. Rivers and Navigation.
— 30. *Seditious Meetings.
— 31. *Servants.
— 32. Sessions
— 33. Sheep.
— 34. Stage Coaches.
— 35. Swearing.
— 36. Tithes.
— 37. Turnips and other Field Crops.
— 38. Vagrants.
— 39. Weights and Measures.
— 40. Wood.

CLASS XXVI.

Pawnbrokers.

No. I.] 39 and 40 George III. c. 99.—An Act for better regulating the Business of Pawnbrokers. [*28th July*, 1800.]

No. I.
39 and 40 George III. c. 99.

'WHEREAS an Act was passed in the thirty-sixth year of the reign of 'his present Majesty, intituled, *An Act for regulating the Trade or 'Business of Pawnbrokers*, which was to be in force for three whole years, 'and from thence until the end of the then next session of Parliament, and 'no longer: And whereas it is expedient that provision should be made 'for more effectually regulating the trade or business of pawnbrokers, from 'the time when the said Act will expire:' May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That the said Act, passed in the thirty-

36 G. 3. c. 87. recited, and continued till the end of this session only.

No. I. 39 and 40 George III. c. 99.

sixth year of the reign of his present Majesty, for regulating the trade or business of pawnbrokers, shall be, and the same is hereby declared to be in full force and effect until the expiration of the present session of Parliament, and from and after such expiration this Act shall commence and take effect, and be put in execution, instead of the said recited Act.

Pawnbrokers allowed to take certain rates.

II. And be it further enacted, That upon and from the commencement of this Act, it shall be lawful for all persons using and exercising the trade or business of a pawnbroker, to demand, receive, and take of and from all and every person and persons applying or offering to redeem any goods or chattels pawned or pledged with such pawnbroker, a profit, after the following rates, over and above the principal sum and sums which shall have been lent and advanced upon the respective pledge or pledges, before any such pawnbroker shall be obliged to re-deliver the same; (*videlicet,*)

Rates.

For every pledge upon which there shall have been lent any sum not exceeding two shillings and sixpence, the sum of one halfpenny for any time during which the said pledge shall remain in pawn not exceeding one calendar month, and the same for every calendar month afterwards, including the current month in which such pledge shall be redeemed, although such month shall not be expired:

For every pledge upon which there shall have been lent the sum of five shillings, one penny:

For every pledge upon which there shall have been lent seven shillings and sixpence, one penny halfpenny:

For every pledge upon which there shall have been lent ten shillings, twopence:

For every pledge upon which there shall have been lent twelve shillings and sixpence, twopence halfpenny:

For every pledge upon which there shall have been lent fifteen shillings, threepence:

For every pledge upon which there shall have been lent seventeen shillings and sixpence, threepence halfpenny:

For every pledge upon which there shall have been lent one pound, fourpence: and so on progressively and in proportion for any sum not exceeding forty shillings:

For every pledge upon which there shall have been lent any sum of money exceeding forty shillings and not exceeding forty-two shillings, eightpence:

And for every pledge upon which there shall have been lent any sum exceeding forty-two shillings and not exceeding ten pounds, at and after the rate of threepence and no more (1), for the loan of every twenty shillings for all such money so lent, by the calendar month, including the current month; and so in proportion for any fractional sum:

Which said several sums shall be taken in lieu of and as a full satisfaction for all interest due, and charges for warehouse room.

When the intermediate sum lent exceeds 2*s.* 6*d.* but does not exceed 40*s.* the rate of 4*d.* for the loan of 20*s.* by the month to be paid.

III. And be it further enacted by the authority aforesaid, That in all cases where any intermediate sum lent upon any pawn or pledge shall exceed the sum of two shillings and sixpence and not exceed the sum of forty shillings, the person lending the same shall and may take, by way of profit as aforesaid, at and after the rate of fourpence and no more, for the loan of twenty shillings by the calendar month, including the current month as aforesaid.

Pawnbrokers to give farthings in change.

IV. Provided always, and be it further enacted, That in all cases where the sum to be demanded, received, and taken by any pawnbroker or pawnbrokers, his, her, or their servant or agent, of and from any person or persons applying or offering to redeem any goods or chattels pawned or pledged with such pawnbroker or pawnbrokers, either as profit upon any sum lent, or as part principal and part profit, shall amount to a total sum of which

(1) The taking a greater rate subjects the pawnbroker to the penalties imposed by section 26; and the allowance of the specified rates is not merely a dispensation from the law of usury. Rex *v.* Beard, 12 E. 673.

the piece of money of the lowest denomination shall be one farthing: and where the person or persons so applying or offering to redeem such goods or chattels shall have paid down the sum due for such principal and profit, or for such profit only (as the case may be), except the last remaining farthing, and shall not be able to produce and pay to such pawnbroker or pawnbrokers, his, her, or their servant or agent, a current farthing, and which shall be to the satisfaction and liking of such person or persons to receive the same, but shall in lieu thereof tender to such person or persons to receive the same one halfpenny, in order to discharge the said remaining farthing so due as aforesaid, the said pawnbroker or pawnbrokers, his, her, or their servant or agent, to whom such tender of a halfpenny for such purpose as aforesaid shall be made, shall, in exchange thereof, deliver unto such person or persons so redeeming goods as aforesaid, one good and lawful farthing, of the current coin of this kingdom, or in default thereof shall wholly abate the said remaining farthing from the total sum to be received by him or them of such person or persons so redeeming goods or chattels as aforesaid:

Limiting the profits for part of a month.

V. Provided always, and be it further enacted, That in all cases where the party or parties entitled to and applying for the redemption of goods pawned within the space of seven days after the expiration of the first calendar month after the same shall have been pledged, he, she, or they shall and may be at liberty to redeem the same without paying any thing by way of profit to the pawnbroker for the said seven days, or such part thereof as shall then have elapsed; and that in all cases where the party or parties so entitled, and applying as aforesaid after the expiration of the said first seven days, and before the expiration of the first fourteen days of the second calendar month, he, she, or they shall and may be at liberty to redeem such goods, upon paying the profit payable for one calendar month and the half of another calendar month to the pawnbroker; but that in all cases where the party or parties so entitled and applying as aforesaid, after the expiration of the said first fourteen days, and before the expiration of the said second calendar month, it shall be lawful for the pawnbroker to demand and take the profit of the whole second month; and that the like regulation and restriction shall take place and be in force in every subsequent calendar month, wherein application shall be made for redeeming goods pawned.

Pawns to be entered in books.

VI. And be it further enacted, That all and every person and persons who, from and after the commencement of this Act, shall take by way of pawn or pledge, of or from any person or persons whomsoever, any goods or chattels, of what kind soever the same shall be, and whereon shall be lent any sum of money exceeding five shillings, shall forthwith, and before he, she, or they shall or may advance or lend any money upon such pawn or pledge, enter or cause to be entered, in a fair and regular manner, in a book or books to be kept by him, her, or them for that purpose, a description of the goods or chattels which he, she, or they shall receive in pawn, pledge, or exchange, and also the sum of money to be advanced or lent thereon, with the day of the month and year on which, and the name of the person or persons by whom such goods or chattels are so pawned, pledged, or exchanged, and the name of the street and number of the house, if the same shall be said to be numbered, where such person shall abide, and whether such person or persons is or are a lodger in, or the keeper of such house, by using the letter "L" if a lodger, and the letter "H" if a housekeeper, and also the name and place of abode of the owner or owners of such goods and chattels, according to the information of the person pawning, pledging, or exchanging the same, into all which circumstances the pawnbroker is hereby required to enquire of the party pawning, before any money shall be lent or advanced; and in all cases where the money lent on any such goods or chattels shall not exceed the sum of five shillings, such entry shall be made in such book or books by all and every such person and persons so taking the same by way of pawn, pledge, or exchange as aforesaid, within four hours next after the said goods and chattels shall have been so pawned, pledged, or exchanged as aforesaid; and every pledge upon which shall be lent any sum of money above ten shillings, shall be entered

No. I. 39 and 40 George III. c. 99.

in the manner aforesaid in a book or books to be kept for that purpose, separate and apart from all other pledges whatever; and every such entry of such pledge whereon shall be lent any sum of money exceeding ten shillings, shall be numbered in such book or books progressively as they are received in pawn, in the manner following; (*viz. licet*) the first pledge that is received in pawn in the month of *September* next, shall be numbered No. 1, the second No. 2, and so on progressively until the end of the month; and the first pledge that is received in the next month shall be numbered No. 1, and the second No. 2, and so on progressively and in like manner until the end of the month; and the like regulation with respect to the numbers of all pledges above ten shillings, shall be observed in every succeeding month throughout the year; and upon every note or memorandum respecting any such pledge whereon shall be lent any sum exceeding ten shillings as aforesaid, shall be fairly and legibly written or printed the number of the entry of such pledge so entered in such book or books as aforesaid; and every such person shall, at the time of the taking of every pawn, pledge, or exchange whatsoever, give to the person or persons so pawning, pledging, or exchanging the same, a note or memorandum, fairly and legibly written or printed, or in part written and in part printed, containing therein in like manner a description of the goods and chattels which he, she, or they have received in pawn, pledge, or exchange, and also the sum of money advanced thereon, with the day of the month and year on which, and the name and place of abode, and number of the house, if said to be numbered, of the person or persons by whom such goods or chattels are so pawned, pledged, or exchanged, and whether such person is a lodger or housekeeper as aforesaid, by using the letter "L" if a lodger, and the letter "H" if a housekeeper, and also the name and place of abode of the owner or owners thereof, according to the information aforesaid; and upon which said note or memorandum, or on the back whereof, shall be moreover fairly written or printed, the name and place of abode of the pawnbroker giving the same; which said note or memorandum the party and parties pawning, pledging, or exchanging the said goods or chattels shall, and he, she, or they is and are hereby required to accept and take in all cases, and the pawnbroker shall not receive and retain such pledge unless the party pledging or offering to pledge the same shall accept and take such note or memorandum; and every such note, where the sum lent shall be less than five shillings, shall be delivered *gratis;* and where the sum lent shall be five shillings or upwards, and less than ten shillings, such pawnbroker shall and may take one halfpenny for the same; and where the sum lent shall be ten shillings or upwards, and less than twenty shillings, such pawnbroker shall and may take one penny for the same; and where the sum lent shall be twenty shillings or upwards, and less than five pounds, the sum of twopence for the same; and where the sum lent shall be five pounds or upwards, the sum of fourpence and no more; and which note shall be produced to the pawnbroker before he or she shall be obliged to re-deliver the respective goods or chattels, except as hereinafter is excepted.

Pawnbrokers to give a note describing things pawned.

The amount of profits shall be indorsed on duplicates of pledges redeemed.

VII. And be it further enacted, That in all cases where any goods or chattels pawned or pledged shall be redeemed, the pawnbroker of whom the same shall be redeemed shall, at the time of such redemption, fairly and legibly write or indorse, or cause to be written or indorsed, upon every duplicate respecting such pawn or pledge, the amount of the profit taken by him, or on his account, on the money lent upon such goods or chattels so redeemed, and shall keep such duplicate in his custody for the space of one year then next following.

Penalty against unlawfully pawning goods the property of others:

VIII. And be it further enacted, That from and after the commencement of this Act, if any person or persons shall knowingly and designedly pawn, pledge, or exchange, or unlawfully dispose of the goods or chattels of any other person or persons, not being employed or authorized by the owner or owners thereof so to do, it shall be lawful for any justice to grant his warrant to apprehend any person so offending; and if he, she, or they shall be thereof convicted, by the oath of any credible witness or witnesses, or by the confession of the person or persons charged with such offence, before any justice or justices of the peace for the county, riding, division,

city, liberty, town, or place where the offence shall be committed, (which oath every such justice or justices as aforesaid is and are hereby empowered and required to administer), every such offender shall, for every such offence, forfeit any sum not exceeding five pounds nor less than twenty shillings, and also the full value of the goods or chattels so pawned, pledged, exchanged, or disposed of, such value to be ascertained by such justice or justices; and in case the said forfeitures shall not be forthwith paid, the justice or justices of the peace as aforesaid before whom such conviction shall be had, shall commit the party or parties so convicted to the house of correction, or some other publick prison of the county, riding, division, city, liberty, town, or place wherein the offender or offenders shall reside, or be convicted, there to remain and be kept to hard labour for a space not exceeding three calendar months, unless the said forfeitures shall be sooner paid; and if within three days before the expiration of the said term of commitment the said forfeitures shall not be paid, the said justice or justices, at his and their discretion, may order the person or persons so convicted to be publickly whipped in the house of correction or prison to which the offender or offenders shall have been committed, or in some other publick place of the county, riding, division, city, liberty, town, or place where the offence shall have been committed, as to such justice or justices shall seem proper; and the said respective forfeitures, when recovered, shall be applied towards making satisfaction thereout to the party or parties injured, and defraying the costs of the prosecution, as shall be adjudged reasonable by the justice or justices before whom such conviction shall be had; but if the party or parties injured shall decline to accept of such satisfaction and costs, or if there shall be any overplus of the said respective forfeitures, after making such satisfaction and paying such costs as aforesaid, then such respective forfeitures, or the overplus thereof (as the case shall happen) shall be paid and applied to and for the use of the poor of the parish or place where such offence shall have been committed, and shall be paid to the overseers of the poor of such parish or place for that purpose.

from 5*l.* to 20*s.* and the value of the goods; or imprisonment not exceeding three months and whipping.

IX. And be it further enacted, That if any person or persons whomsoever shall counterfeit, forge, or alter, or cause or procure to be counterfeited, forged, or altered, any such note or memorandum as aforesaid, or shall utter, vend, or sell any such note as aforesaid, knowing the same to be counterfeited, forged, or altered, with intent to defraud any person or persons whomsoever, in all or any or either of the said cases, such person or persons shall be punished in manner hereinafter mentioned; and it shall be lawful for any person or persons, his, her, or their servants or agents to whom any note shall be uttered or produced, shewn, or offered, which he, she, or they shall have reason to suspect to have been counterfeited, forged, or altered, to seize and detain such person or persons uttering, producing, shewing, or offering the same, and to deliver him, her, or them, as soon as conveniently may be, into the custody of a constable, or other peace officer, who shall and is hereby required, as soon as conveniently may be, to convey such person or persons before some justice or justices of the peace for the county, riding, division, city, liberty, town, or place wherein the offence shall be supposed to have been committed; and if upon examination it shall appear to the satisfaction of such justice or justices, that the person or persons charged with having committed any such offence is or are guilty thereof, then, and in every such case, the said justice or justices is and are hereby authorized and required to commit the party or parties offending to the common gaol or house of correction of the county, riding, division, city, liberty, town, or place wherein the offence shall be committed, there to be imprisoned for any time not exceeding the space of three calendar months, at the discretion of such justice or justices.

Penalty on forging, counterfeiting or uttering notes.

Imprisonment not exceeding three months.

X. And be it further enacted, That in case any person or persons who shall offer by way of pawn, pledge, exchange, or sale, any goods or chattels, shall not be able, or shall refuse to give a satisfactory account of himself, herself, or themselves, or of the means by which he, she, or they became possessed of such goods or chattels, or shall wilfully give any false information to the pawnbroker, or to his or her servant or servants, as to whether such goods or chattels are his, her, or their own property or not, or of his

Persons not giving a good account of themselves on offering to pawn goods, liable to punishment.

No. I. 39 and 40 George III. c. 99.

or her name and place of abode, or of the name and place of abode of the owner or owners of the said goods or chattels, or if there shall be any other reason to suspect that such goods or chattels are stolen or otherwise illegally or clandestinely obtained, or if any person or persons not entitled, nor having any colour of title by law to redeem goods or chattels, in pledge or pawn shall attempt or endeavour to redeem the same, it shall be lawful for any person or persons, his, her, or their servants or agents, to whom such goods or chattels shall be so offered, or with whom such goods or chattels are in pledge, to seize and detain such person or persons and the said goods or chattels, and to deliver such person or persons immediately into the custody of a constable or other peace officer, who shall and is hereby required, as soon as may be, to convey such person or persons, and the said goods or chattels so offered, before some justice or justices of the peace for the county, riding, division, city, liberty, town, or place wherein the offence shall be supposed to have been committed; and if such justice or justices shall, upon examination and enquiry, have cause to suspect that the said goods or chattels were stolen, or illegally or clandestinely obtained, or that the person or persons offering and endeavouring to redeem the same shall not have any pretence or colour of right to redeem the same, it shall be lawful for such justice or justices to commit such person or persons into safe custody, for such reasonable time as shall be necessary for the obtaining proper information on the subject, in order to be further examined; and if, upon either of the said examinations it shall appear to the satisfaction of such justice or justices that the said goods or chattels were stolen, or illegally or clandestinely obtained, or that the person or persons offering or endeavouring to redeem the same, hath or have not any pretence or colour of right so to do, the said justice or justices is and are hereby authorized and required to commit the party or parties offending to the common gaol or house of correction of the county, riding, division, city, liberty, town, or place wherein the offence shall be committed, there to be dealt with according to law, where the nature of the offence shall authorize such commitment by any other law, then such commitment shall be for any time not exceeding three calendar months, at the discretion of such justice or justices.

Persons buying or taking in pledge unfinished goods or linen, or apparel entrusted to others to wash or mend, to forfeit double the sum lent, and restore the goods.

XI. And be it further enacted, That from and after the commencement of this Act, if any person or persons shall knowingly buy or take in as a pledge or pawn, or in exchange, any goods of any manufacture, or of any part or branch of any manufacture, either mixed or separate, or any materials whatsoever, plainly intended for the composing or manufacturing of any goods, after such goods or materials respectively are put into a state or course of manufacture, or into a state for any process or operation to be thereupon or therewith performed, and before such goods or materials are completed or finished for the purposes of wear or consumption, or any linen or apparel, which goods, materials, linen, or apparel, are or shall be intrusted to any person or persons to wash, scour, iron, mend, manufacture, work up, finish, or make up, and shall be convicted of the same on the oath of one credible witness, or on confession of the party or parties, before one or more justice or justices, every such person or persons shall forfeit double the sum given for or lent on the same, to be paid to the poor of the parish where the offence is committed, to be recovered in the same manner as any other forfeitures are by this Act directed to be recovered, and shall likewise be obliged to restore the said goods and materials to the owner or owners thereof, in the presence of the said justice or justices.

Empowering peace officers to search for unfinished goods, &c. unlawfully come by, which shall be restored to the owner.

XII. And be it further enacted, That if the owner or owners of any goods of any manufacture, or of any part or branch of any manufacture, either mixed or separate, or any materials whatsoever, plainly intended for the composing or manufacturing of any goods, after such goods or materials respectively are put into a state or course of manufacture, or into a state for any process or operation to be thereupon or therewith performed, and before such goods or materials are completed or finished for the purpose of wear or consumption, or any linen or apparel, which goods, materials, linen or apparel are or shall be so intrusted as aforesaid, unlawfully pawned, pledged or exchanged, shall make out either on his, her, or their oath, or

by the oath of any credible witness, or, being one of the people called *Quakers*, by solemn affirmation, before any justice or justices of the peace within his or their jurisdiction, that there is just cause to suspect that any person or persons within the jurisdiction of any such justice or justices hath or have taken to pawn, or by way of pledge or in exchange, any such goods or materials, linen, or apparel, so intrusted as aforesaid, of such owner or owners, and without the privity or authority of such owner or owners thereof, and shall make appear to the satisfaction of any such justice or justices probable grounds for such the suspicion of the owner or owners thereof, then and in any such case any justice or justices of the peace within his or their jurisdiction, may issue his or their warrant for searching, within the hours of business, the house, warehouse, or other place of any such person or persons who shall be charged, on oath or affirmation as aforesaid, as suspected to have received or taken in pawn or by way of pledge, or in exchange, any such goods or materials, linen or apparel, without the privity of or authority from the owner or owners thereof; and if the occupier or occupiers of any house, warehouse, or other place wherein any such goods, materials, linen, or apparel, shall on oath or affirmation as aforesaid be charged or suspected to be, shall, after the commencement of this Act, on request made to him, her, or them, to open the same, by any peace officer authorized to search there by warrant from any justice or justices of the peace for the county, riding, division, city, liberty, town, or place, in which such house, warehouse, or other place shall be situate, refuse to open the same and permit the same to be searched, it shall be lawful for any peace officer to break open any such house, warehouse, or other place, within the hours of business, and to search as he shall think fit therein for the goods, materials, linen, or apparel suspected to be there, doing no wilful damage; and no pawnbroker or other person or persons shall oppose or hinder any such search; and if upon the search of the house, warehouse, or other place of any such suspected person or persons as aforesaid, any of the goods, materials, linen, or apparel, which shall have been so pawned, pledged, or exchanged as aforesaid shall be found, and the property of the owner or owners thereof shall be made out to the satisfaction of any such justice or justices, by the oath of one or more credible witness or witnesses, or if any such witness or witnesses shall be of the people called *Quakers*, by solemn affirmation, or by the confession of the person or persons charged with any such offence, any such justice or justices shall thereupon cause the goods, materials, linen or apparel, found on any such search, and pawned, pledged or exchanged as aforesaid, to be forthwith restored to the owner or owners thereof.

Where goods are unlawfully pawned, the pawnbroker to restore them.

XIII. And be it further enacted, That if the owner or owners of any goods or chattels unlawfully pawned, pledged, or exchanged, shall make out, either on his, her, or their oath, or by the oath of any credible witness, or, being one of the people called *Quakers*, by solemn affirmation, before any justice or justices of the peace within his or their jurisdiction, that such owner or owners hath or have had his, her, or their goods or chattels unlawfully obtained or taken from him, her or them, and that there is just cause to suspect that any person or persons within the jurisdiction of any such justice or justices hath or have taken to pawn, or by way of pledge or in exchange, any goods or chattels of such owner or owners, and without the privity or authority of such owner or owners thereof, and shall make appear to the satisfaction of any such justice or justices, probable grounds for such the suspicion of the owner or owners thereof, then and in any such case any justice or justices of the peace within his or their jurisdiction may issue his or their warrant for searching, within the hours of business, the house, warehouse, or other place of any such person or persons who shall be charged on oath or affirmation as aforesaid as suspected to have received or taken in pawn, or by way of pledge or in exchange, any such goods or chattels, without the privity of or authority from the owner or owners thereof; and if the occupier or occupiers of any house, warehouse, or other place wherein any such goods or chattels shall on oath or affirmation as aforesaid be charged or suspected to be, shall, after the commencement of this Act, on request made to him, her, or them to open the same by any

No. I. 39 and 40 George III. c. 99.

peace officer authorized to search there, by warrant from a justice or justices of the peace for the county, riding, division, city, liberty, town, or place, in which such house, warehouse, or other place shall be situate, refuse to open the same, and permit the same to be searched, it shall be lawful for any peace officer to break open any such house, warehouse or other place, within the hours of business, and to search as he shall think fit therein, for the goods or chattels suspected to be there, doing no wilful damage; and no pawnbroker or other person or persons shall oppose or hinder any such search; and if upon the search of the house, warehouse, or other place of any such suspected person or persons as aforesaid, any of the goods or chattels which shall have been so pawned, pledged or exchanged as aforesaid shall be found, and the property of the owner or owners from whom the same shall have been unlawfully obtained or taken, shall be made out to the satisfaction of any such justice or justices by the oath of one or more credible witness or witnesses, or if any such witness or witnesses shall be of the people called *Quakers*, by solemn affirmation, or by the confession of the person or persons charged with any such offence, any such justice or justices shall thereupon cause the goods and chattels found on any such search, and pawned, pledged or exchanged as aforesaid, to be forthwith restored to the owner or owners thereof.

Penalty on the pawnbroker who will not deliver up goods to the pawner.

XIV. And be it further enacted, That from and after the commencement of this Act, if any goods or chattels shall be pawned or pledged for securing any money lent thereon, not exceeding in the whole the principal sum of ten pounds, and the profit thereof, and if within one year after the pawning or pledging thereof, (proof having been made on oath or affirmation as aforesaid by one or more credible witness or witnesses, and by producing the note or memorandum directed to be given by this Act as aforesaid, before any justice or justices, to the satisfaction of any such justice or justices, of the pawning or pledging of any such goods or chattels within the said space of one year, or one year and three months, as the case may be,) any such pawner or pawners who was or were the real owner or owners of such goods or chattels at the time of the pawning or pledging thereof, his, her, or their executors, administrators, or assigns, shall tender unto the person or persons who lent, on the security of the goods or chattels pawned, his executors, administrators, or assigns, the principal money borrowed thereon, and profit, according to the table of rates by this Act established, and the person who took such goods or chattels in pawn, his or her executors, administrators, or assigns, shall thereupon, without shewing reasonable cause for so doing to the satisfaction of such justice or justices, neglect or refuse to deliver back the goods or chattels so pawned for any sum or sums of money not exceeding the said principal sum of ten pounds, to the person or persons who borrowed the money thereon, his, her, or their executors, administrators, or assigns, then and in any such case, on oath or affirmation as aforesaid thereof made by the pawner or pawners thereof, his, her, or their executors, administrators, or assigns, or some other credible person, any justice or justices of the peace for the county, riding, division, city, liberty, town, or place where the person or persons who took such pawn as aforesaid, his executors, administrators, or assigns, shall dwell, on the application of the borrower or borrowers, his, her, or their executors, administrators, or assigns, is and are hereby required to cause such person or persons who took such pawn, his, her, or their executors, administrators, or assigns, within the jurisdiction of the justice or justices, to come before such justice or justices; and such justice or justices is and are hereby authorized and required to examine on oath or solemn affirmation as the case may require, the parties themselves, and such other credible person or persons as shall appear before him or them touching the premises; and if tender of the principal money due, and all profit thereon as aforesaid, shall be proved by oath or affirmation as aforesaid to have been made (such principal money not exceeding the said sum of ten pounds) to the lender or lenders thereof, his, her, or their executors, administrators, or assigns, by the borrower or borrowers of such principal money, his, her, or their executors, administrators, or assigns, within the said space of one year, or one year and three months, as the case may be, after the said pawning or

pledging of the goods or chattels, then on payment by the borrower or borrowers, his, her, or their executors, administrators, or assigns, of such principal money, and the profit due thereon, as aforesaid, to the lender or lenders, his, her, or their executors, administrators, or assigns; and in case the lender or lenders, his, her, or their executors, administrators, or assigns, shall refuse to accept thereof, on tender thereof to him, her, or them made by the borrower or borrowers thereof, his, her, or their executors, administrators, or assigns, before any such justice or justices, such justice or justices shall thereupon, by order under his or their hand or hands, direct the goods or chattels so pawned forthwith to be delivered up to the pawner or pawners thereof, his, her, or their executors, administrators, or assigns; and if the person or persons who shall have lent any principal sum or sums of money, not exceeding in the whole the said sum of ten pounds on any goods or chattels pawned, his, her, or their executors, administrators, or assigns, shall neglect or refuse to deliver up or make satisfaction for the goods or chattels which shall be so proved to the satisfaction of such justice or justices as aforesaid to have been so pawned, as any such justice or justices of the peace as aforesaid shall offer and direct, then any such justice or justices shall, and is and are hereby authorized and required to commit the party or parties so refusing to deliver up or make satisfaction for the same, to the house of correction, or some other public prison for the county, riding, division, city, liberty, town or place wherein the offender or offenders shall reside or be convicted, there to remain without bail or mainprise, until he, she or they shall deliver up the goods or chattels so pawned, and continuing redeemable as aforesaid, according to the order of such justice or justices as aforesaid, or make such satisfaction or compensation as such justice or justices shall adjudge reasonable for the value thereof, to the party or parties entitled to the redemption of such goods or chattels so pawned, and continuing redeemable as aforesaid.

Imprisoment till re-delivery of the goods, or satisfaction made.

XV. 'And, to prevent any inconvenience to persons carrying on the 'trade and business of a pawnbroker, from several different persons claim-'ing a property in the same goods or chattels,' be it further enacted, That, from and after the commencement of this Act, any person or persons who shall at any time produce any such note or memorandum as aforesaid, to the person or persons with whom the goods therein specified were pawned or pledged, as the owner thereof, or as authorized by the owner thereof, to redeem the same, and require a delivery of the goods or chattels mentioned therein, to him, her, or them, such person or persons shall be, and is and are hereby deemed and taken to be, so far as respects the person or persons having such goods and chattels in pledge, the real owner and owners, proprietor and proprietors of such goods and chattels, and the person or persons so using the said trade and business of a pawnbroker shall be, and is and are hereby directed and required, after receiving satisfaction pursuant to the provisions of this Act, respecting principal and profit, to deliver such goods and chattels to the person or persons who shall so produce the said note or memorandum to him, her, or them, and shall be, and is and are hereby indemnified for so doing, unless he, she, or they shall have had previous notice from the real owner or owners thereof not to deliver the same to the person or persons producing such note, or unless notice shall have been given to him, her, or them, that the goods and chattels pawned have been or are suspected to have been fraudulently or feloniously taken or obtained, and unless the real owner or owners thereof proceeds or proceed, in manner hereinafter provided and directed for the redeeming of goods and chattels pledged, where such note hath been lost, mislaid, destroyed, or fraudulently obtained from the owner or owners thereof.

Persons producing notes or memorandums deemed the owners.

XVI. And be it further enacted, That in case any pawnbroker shall have had such previous notice as aforesaid, or in case any such note or memorandum as aforesaid shall be lost, mislaid, destroyed, or fraudulently obtained from the owner or owners thereof, and the goods and chattels mentioned therein shall remain unredeemed, that then and in every such case the pawnbroker or pawnbrokers with whom the said goods and chattels were so pledged shall, at the request and application of any person or persons who shall represent himself, herself, or themselves to the pawn-

Where notes or memorandums lost, the pawnbroker to deliver a copy.

No. I. 39 and 40 George III. c. 99.

broker as the owner or owners of the goods and chattels in pledge as aforesaid, deliver to such person or persons so requesting and applying for the same, a copy of the note or memorandum so lost, mislaid, destroyed, or fraudulently obtained as aforesaid, with the form of an affidavit of the particular circumstances attending the case, printed or written, or in part printed and in part written on the said copy, as the same shall be stated to him or her by the party applying as aforesaid, for which copy of such note or memorandum, and form of affidavit, in case the money lent shall not exceed the sum of five shillings, the pawnbroker shall receive the sum of one halfpenny; and in case the money lent shall exceed the sum of five shillings, and not exceed the sum of ten shillings, the pawnbroker shall receive the sum of one penny; and in case the money lent shall exceed the sum of ten shillings, the pawnbroker shall receive the like sum of money as he is entitled to receive and take on giving the original note or memorandum, such money to be paid by the party applying for the same at the time of making the said application; and the person or persons having so obtained such copy of the note or memorandum, and form of affidavit as aforesaid, shall thereupon prove his, her, or their property in, or right to such goods and chattels, to the satisfaction of some justice of the peace for the county, riding, division, city, town, liberty, or place, where the said goods or chattels shall have been pledged, pawned, or exchanged, and shall also verify on oath or affirmation, as the case may be, before the said justice, the truth of the particular circumstances attending the case mentioned in such affidavit or affirmation to be made as aforesaid, the caption of such oath or affirmation to be authenticated by the hand-writing thereto of the justice before whom the same shall be made, and who shall, and is hereby required so to authenticate the same, whereupon the pawnbroker shall suffer the person or persons proving such property to the satisfaction of such justice as aforesaid, and making such affidavit or affirmation as aforesaid, on leaving such copy of the said note or memorandum, and the said affidavit or affirmation, with the said pawnbroker, to redeem such goods or chattels.

Pawned goods deemed forfeited at the end of a year. Pledges above 10s. to be sold by auction.

XVII. And be it further enacted, That all goods and chattels which shall be pawned or pledged, shall be deemed forfeited, and may be sold at the expiration of one whole year, exclusive of the day whereon the goods and chattels were so pawned as aforesaid; and that all goods and chattels so forfeited on which any sum above ten shillings and not exceeding ten pounds shall have been lent, shall be sold by public auction, and not otherwise, by the order of the person having the same in pawn, at and after the expiration of the said year; but the person employed to sell such goods and chattels by auction shall, and he is hereby required to cause the same to be exposed to public view, and catalogues thereof to be published, containing the name and place of abode of the pawnbroker, and also the month such goods were received in pawn; and the number of every such pledge as entered in the book or books kept for that purpose at the time the same were pawned, and an advertisement giving notice of such sale, and containing the name or names, and place of abode of the pawnbroker or pawnbrokers with whom the said goods and chattels were in pledge, and also the month such goods were received in pawn, to be inserted two several days in some public newspaper, two days at least before the first day of sale; and the goods or chattels pledged with every pawnbroker shall be inserted in every catalogue, separate and apart from each other, upon pain of forfeiting to the owner or owners of the said goods and chattels, for every offence in the premises, any sum not exceeding ten pounds nor less than forty shillings.

Pictures, prints, books, statues, &c. shall only be sold four times in a year, &c.

XVIII. Provided always, and be it further enacted, That all pictures, prints, books, bronzes, statues, busts, carvings in ivory and marble, cameos, intagleos, musical, mathematical, and philosophical instruments, and china, which shall be sold by public auction as aforesaid, shall be sold by themselves, and without other goods being sold at such sale, four times only in every year (that is to say) on the first *Monday* in the months of *January*, *April*, *July*, and *October*, in every year, and on the following day and days, if the sale shall exceed one day, and at no other time; and

the person who shall be employed to sell the same by auction shall, and he is hereby required to cause the same to be exposed to public view, and catalogues thereof to be published, and an advertisement giving notice of such sale, and containing the name or names of the pawnbroker or pawnbrokers with whom the said goods were in pledge, to be inserted two several days in some public newspaper three days at the least before the first day of sale, upon pain of forfeiting to the owner or owners of the said goods for every offence in the premises, any sum not exceeding five pounds nor less than forty shillings.

On notice from persons having goods in pledge not to sell, three months further allowed beyond the year for redemption.

'XIX. Provided always, and be it further enacted, That in case any person or persons entitled to redeem goods or chattels in pledge, shall, before or upon the expiration of the said one year from the time of pawning the same, give notice in writing, or in the presence of one witness, to the person or persons having the same in pledge, or leave the same at his, her, or their usual place of abode, not to sell the same at the end of the said one year, then and in every such case, such goods or chattels shall not be sold or disposed of by the person or persons having the same in pledge until after the expiration of three calendar months, to be computed from the expiration of the said year, during which said term of three calendar months, the owner or owners of the said goods and chattels shall have liberty to redeem the same, upon the terms stipulated and provided by this Act.

Account of sales of pledges above 10*s.* to be entered by the pawnbrokers in a book;

XX. And be it further enacted, That all and every person or persons with whom any goods or chattels shall have been pawned or pledged, shall from time to time enter in a book or books, to be kept by him, her, or them for that purpose, a true and just account of the sale of all goods and chattels pawned with him, her, or them for upwards of ten shillings (1), which shall be sold as aforesaid, expressing the day of the month when such goods were pledged, and the name of the person pledging the same, according to the entry made at the time of receiving the same in pawn; and also the day when, and the money for which such goods or chattels pawned were sold, together with the name and place of abode of the auctioneer by whom the same were sold, according to the information thereof from the auctioneer; and in case any such goods or chattels shall be sold for more than the principal money and profit aforesaid due thereon at the time of such sale, the overplus shall, by every such pawnbroker, be paid, on demand, to the person by whom or on whose account such goods or chattels were pawned, his, her, or their executors, administrators, or assigns, in case such demand shall be made within three years after such sale, the necessary costs and charges of such sale being first deducted; and such person or persons who pawned or pledged such goods or chattels, or for whom such goods or chattels were so pawned or pledged, his, her, or their executors, administrators, or assigns, shall, for his, her, or their satisfaction in this matter, be permitted to inspect the entry to be made as aforesaid of every such sale, paying for such inspection the sum of one penny and no more; and in case any person or persons shall refuse to permit any such person or persons who pawned or pledged such goods or chattels, or who is or are entitled to such overplus money, to inspect such entry as aforesaid in any such book or books, (such person or persons, if an executor or executors, administrator or administrators, or assignee or assignees, at such time producing his, her, or their letters testamentary, letters of administration or assignment,) or in case the goods or chattels were sold for more than the sum entered in any such book or books, or if any such person or persons shall not make such entry as aforesaid, or shall not have *bona fide*, according to the directions of this Act, sold the same, or shall refuse to pay such overplus, upon demand, to the pawner or pawners, owner or owners, his, her, or their executors, administrators, or assigns, (he, she, or they producing such their letters testamentary, letters of administration or assignment), every such person or persons so offending

and overplus paid to the owner of the goods pawned or sold, &c.

on penalty of 10*l.* and treble the sum lent on pawn.

(1) I find a very unfair advantage generally taken by pawnbrokers of this distinction, where goods of considerably greater value than ten shillings are pledged for less than that amount; the absolute forfeiture of such goods being very commonly insisted upon.

No. I. 39 and 40 George III. c. 99.

shall, for every such offence, forfeit the sum of ten pounds, and treble the sum such goods and chattels shall have been originally pawned for, to the person or persons by whom or on whose account such goods or chattels were pawned, his, her, or their executors, administrators, or assigns, to be levied by distress and sale of the offender's goods and chattels, by warrant under the hands and seals of any two justices of the peace for the county, riding, division, city, town, liberty, or place where the offence shall be committed.

Pawnbroker shall not purchase goods while in his custody.

XXI. And be it further enacted, That, from and after the commencement of this Act, no person or persons having any goods or chattels in pledge, shall, under any pretence whatsoever, either by himself or herself, or by any other person for him or her, purchase any such goods or chattels so being in pledge with him or her, during the time the same shall remain in his or her custody as such pledge, save and except at such public auction as aforesaid, nor shall suffer the same to be redeemed with a view or intention to purchase the same; nor shall any such person taking or having any goods or chattels in pledge, make or cause to be made any contract or agreement with any person or persons offering to pledge or pledging the same with the owner or owners of the pledge, for the purchase, sale, or disposition of the said goods and chattels before the expiration of one whole year from the time of pawning or pledging the same; nor shall any pawnbroker purchase or receive or take any goods or chattels in pledge of or from any person or persons who shall appear to be under the age of twelve years, or to be intoxicated with liquor; or purchase or take in pawn, pledge, or exchange the note or memorandum aforesaid of any other pawnbroker; nor buy any goods or chattels in the course of his, her, or their trade or business, before the hour of eight of the clock in the forenoon, or after the hour of seven of the clock in the evening throughout the year; nor employ any servant or apprentice, or any other person under the age of sixteen years, to take in any pledge or pledges; nor receive or take in any goods or chattels by way of pawn, pledge, or in exchange, before eight of the clock in the forenoon, or after eight of the clock in the evening, between *Michaelmas Day* and *Lady Day* following; or before seven of the clock in the forenoon or after nine of the clock in the evening during the remainder of the year, excepting only until eleven of the clock on the evenings of Saturday throughout the whole year, and the evenings preceding *Good Friday* and *Christmas Day*, and every fast or thanksgiving day to be appointed by his Majesty; nor shall any person or persons exercise or carry on the trade or business of a pawnbroker on any *Sunday*, *Good Friday*, *Christmas Day*, or on any fast day or thanksgiving day to be appointed as aforesaid.

Pledges not to be taken from persons under 12 years of age or intoxicated.

Hours of buying goods or taking in pawn limited.

Pawnbrokers to place in view the table of profits, &c.

XXII. And be it further enacted, That upon and from and after the commencement of this Act, all and every person and persons who shall follow and carry on the trade and business of a pawnbroker, shall cause to be painted or printed, in large legible characters, the rate of profit allowed by this Act to be taken by him, her or them, and also the various prices of the notes or memorandums to be given by him, her, or them, according to the rates aforesaid, and an account of what notes or memorandums are to be delivered *gratis*, and of the expence of obtaining a second note or memorandum where the former one has been lost, mislaid, destroyed or fraudulently obtained, and place the same in a conspicuous part or parts of the shop or other place wherein he, she or they shall carry on such trade or business, so as to be visible to and legible by the persons pledging goods and chattels standing in the several boxes or places provided for such persons coming to pawn or redeem goods and chattels at such shop.

Pawnbroker's names and business to be placed over his door, on penalty of 10*l.* &c.

XXIII. 'And, for the better manifesting by whom the trade or business 'of a pawnbroker shall hereafter be carried on,' be it further enacted, That from and after the commencement of this Act, all and every person or persons who shall follow or carry on the trade or business of a pawnbroker, shall cause to be painted or written, in large legible characters, over the door of each shop or other place by him, her, or them respectively made use of for carrying on that trade or business, the christian and surname or names of the person or persons so carrying on the said trade

or business, and the word "Pawnbroker," or "Pawnbrokers," as the case may be, following the same, upon pain of forfeiting the sum of ten pounds for every shop or place which shall be so made use of for the space of one week without having such name or names, and the said word so painted or written as aforesaid, to be recovered by distress and sale of the offenders' goods and chattels, by warrant under the hands and seals of any two justices of the peace acting within the respective county, riding, division, city, town, liberty, or place, (which warrant such justices are hereby authorized and required to grant) upon the confession of the party or parties, or upon the information of any credible witness or witnesses upon oath or affirmation, as the case may be; and in case sufficient distress shall not be found, or such penalty shall not be forthwith paid, it shall be lawful for such justices, and they are hereby required, by warrant under their hands and seals, to cause the offender or offenders to be committed to the county gaol or house of correction, there to remain without bail or mainprize, for any time not exceeding three calendar months, nor less than fourteen days, unless the said penalty, and all reasonable charges, shall be sooner paid and satisfied.

Pawnbrokers selling goods before limited time, or injuring them, &c. shall make a reasonable satisfaction on penalty of 10*l*.

XXIV. And be it further enacted, That if in the course of any proceedings before any justice or justices of the peace, in pursuance of or under this Act, it shall appear, or be proved to the satisfaction of the justice or justices upon oath or solemn affirmation, that any of the goods and chattels pawned as aforesaid have been sold before the time allowed by this Act, or otherwise than according to the directions of this Act, or have been embezzled or lost, or are become or have been rendered of less value than the same were at the time of pawning or pledging thereof, by or through the default, neglect, or wilful misbehaviour of the person or persons by whom the same were so pledged or pawned, his, her, or their executors, administrators, or assigns, agents or servants, then and in any such case it shall be lawful for every such justice and justices, and he and they is and are hereby required to allow and award a reasonable satisfaction to the owner or owners of such goods or chattels in respect thereof, or of such damage, and the sum or sums of money so allowed or awarded, in case the same shall not amount to the principal and profit aforesaid which shall appear to be due to any person or persons with whom the same were so pledged or pawned, his, her, or their executors, administrators, or assigns, shall be deducted out of the said principal and profit; and in all cases where the goods and chattels pawned as aforesaid shall have been damaged as aforesaid, it shall be sufficient for the pawner or pawners, his, her, or their executors, administrators, or assigns, to pay or tender the money due upon the balance, after deducting out of the principal and profit as aforesaid, for the goods or chattels pawned, such reasonable satisfaction in respect to such damage as any such justice or justices shall order or award, and upon so doing the justice or justices shall procced as if the pawner or pawners, his, her, or their executors, administrators, or assigns, had paid or tendered the whole money due for the principal and profit aforesaid: and if the satisfaction to be allowed and awarded to the owner or owners of such goods or chattels shall be equal to or exceed the principal and profit aforesaid, then and in such case the person or persons to whom the same were so pledged or pawned, his, her, or their executors, administrators, or assigns, shall deliver the goods and chattels so pledged to the owner or owners thereof, without being paid any thing for principal or profit in respect thereof, and shall also pay such excess (if any) to the person or persons entitled thereto, under the penalty of ten pounds, to be recovered and applied in manner hereinafter mentioned.

Pawnbrokers shall produce their books when necessary,

XXV. And be it further enacted, That it shall be lawful for any justice of the peace upon complaint made to him on the oath or affirmation of one or more credible witness or witnesses, wherein any information shall be laid against any pawnbroker for having offended against this Act, or respecting any dispute between any pawnbroker and person having pawned goods, or the owner or owners of goods pawned, or respecting any felony or other matter, or on any other occasion whatsoever, which in the judgment of any justice or justices shall make the production of any book, note, voucher,

No. I. 39 and 40 George III. c. 99.

memorandum, duplicate, or other paper necessary, which shall or ought to be in the hands, custody, or power of any pawnbroker, to summon such pawnbroker before him to attend, with all and every or any book, note, voucher, memorandum, duplicate, or paper, which he or she may or ought to have in his or her custody or power relating to the same, which he or she is hereby required to produce before such justice or justices in the state the same was or were made at the time the pawn or pledge was received, without any alteration, erasement, or obliteration whatsoever; and in case such pawnbroker shall neglect or refuse to attend, or to produce the same in its true and perfect state, such pawnbroker shall, in case he or she doth not shew good cause for such neglect or refusal, to the satisfaction of such justice or justices, forfeit any sum not exceeding ten pounds nor less than five pounds, to be levied and applied in the manner herein-after mentioned.

on penalty from 10*l.* to 5*l.*

Penalties on pawnbrokers offending against this Act, in neglecting entries not exceeding 10*l.* and for other offences from 40*s.* to 10*l.*

XXVI. And be it further enacted, That in case any pawnbroker shall, from and after the commencement of this Act, in anywise offend against this Act, every such pawnbroker shall, for every such offence in neglecting to make or cause to be made, in a fair and regular manner, in such book or books as aforesaid, any such entry as is required to be made by him, her, or them by this Act, forfeit such sum of money as to the justice or justices before and by whom any information thereon shall be heard and determined in his or their discretion shall seem reasonable and fit, not exceeding the sum of ten pounds, and for every other offence against this Act, where no forfeiture or penalty is provided or imposed on any particular or specific offence against any part of this Act, not less than forty shillings nor more than ten pounds; and that all forfeitures incurred by any offence committed against this Act, shall and may be levied by distress and sale of the goods and chattels of the offender or offenders, by warrant under the hand and seal or hands and seals of any justice or justices of the peace for the county, riding, division, city, liberty, town, or place where the offence shall be committed; and the justices shall award one moiety of the said penalties to the parties complaining, and the remainder of the aforesaid penalty or penalties not otherwise disposed of and applied by this Act, is to be paid and applied to and for the use of the poor of the parish or place where the offence shall have been committed, and shall be paid to the overseers of the poor of such parish or place for that purpose.

Limiting the time of prosecuting by information, 12 months.

XXVII. Provided always, and be it further enacted, That no person or persons using or exercising the trade or business of a pawnbroker, shall be subject or liable to any prosecution or information before any justice or justices of the peace by virtue of this Act, for any offence or offences against this Act, unless information shall be given of such offence or offences within twelve calendar months next after the offence or offences committed; and that all and every such information and informations shall be given and prosecuted before such justice or justices of the peace as shall act as such justice or justices near to the place where such offence or offences shall have been committed, unless the same shall have been committed within the city or liberties of *London*.

Information to be made before a justice near the place.

Churchwardens, &c. to prosecute, &c.

XXVIII. And be it further enacted, That the church-wardens and overseers of the poor of any parish or place where any offence shall be supposed to have been committed by any pawnbroker against this Act, or some or one of such officers, at the discretion or direction of any justices of the peace, on having notice from such justices of the peace of such offence being supposed to have been committed, shall, and they or some or one of them, to be nominated by such justice as aforesaid, are and is hereby required to prosecute every offender for every offence so to be suggested by such justice to have been committed against this Act, at the expence of the respective parish whereof they or he are, is, or shall be for the time being such officers or officer.

Convicted persons, &c. not to prosecute or inform against any persons, &c.

XXIX. And be it further enacted, That no person who has been convicted of any fraud, or of obtaining money under false pretences, or of any felony whatsoever, shall be allowed to prosecute or inform against any person or persons, for any offence or offences committed against this Act.

Act not to extend to persons lending money at 5*l.* per cent. without further profit.

XXX. Provided always, That nothing in this Act contained shall extend,

or be construed to extend, to any person or persons whomsoever who shall lend money to any person or persons whomsoever upon pawn or pledge, at the rate of five pounds *per centum per annum* interest, without taking any further or greater profit for the loan or forbearance of such money lent, on any pretence whatsoever.

The Act to extend to executors, &c. of pawnbrokers.

XXXI. And be it further enacted, That all and every the provisions, regulations, and clauses contained in this present Act shall, from and after the end of this present session of Parliament, extend to and include the executors, administrators, and assigns of all and every deceased pawnbroker, in the same manner as the same extend to and include the pawnbroker when living, save and except that no such executor or administrator of any such deceased pawnbroker shall be answerable for any penalty or forfeiture personally, or to be paid out of his, her, or their own monies or estate, unless the same shall be incurred and forfeited by his, her, or their own Act or neglect.

General issue.

XXXII. And be it further enacted, That if any person or persons shall at any time or times be sued, molested, or prosecuted for any thing by him, her, or them done or executed in pursuance of this Act, or of any clause, matter, or thing herein contained, such person or persons may plead the general issue, and give the special matter in evidence for his, her, or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, then such defendant or defendants shall have double costs awarded to him, her, or them against such plaintiff or plaintiffs.

Double costs.

Inhabitants of any place where offences committed deemed competent witnesses.

XXXIII. Provided always, and be enacted, That in all actions, suits, informations, trials, and other proceedings in pursuance of this Act, or in relation to any matter or thing herein contained, any inhabitant of the parish, town, or place in which any offence or offences shall be committed contrary to the true intent and meaning of this Act, shall be admitted to give evidence, and shall be deemed a competent witness, notwithstanding his or her being an inhabitant of the parish, town, or place wherein any such offence or offences shall be supposed to have been committed.

XXXIV. And be it further enacted, That the justice or justices before whom any person shall be convicted in manner prescribed by this Act, shall cause such respective conviction to be drawn up in the form or to the effect following; (that is to say),

Form of conviction.

'*to wit.* } BE it remembered, That on this day of in the year of his Majesty's reign, *A. B.* is convicted before of his Majesty's justices of the peace for the said county of [*or*, for the riding or division of the said county of *or*, for the city, liberty, or town of *as the case shall happen to be*] for and the said do adjudge him [*or*, her] to pay and forfeit for the same the sum of Given under the day and year aforesaid.'

And the said justice or justices before whom such conviction shall be had, shall cause the same, so drawn up in the form or to the effect aforesaid, to be fairly written upon parchment, and transmitted to the next general, or general quarter session of the peace to be held for the county, riding, division, city, town, liberty, or place wherein such conviction was had, to be filed and kept amongst the records of the said general or quarter session; and in case any person or persons so convicted shall appeal from the judgment of the said justice or justices to the said general or quarter session, the justices in such general or quarter session are hereby required, upon receiving the said conviction drawn up in the form or to the effect aforesaid, to proceed to the hearing and determination of the matter of the said appeal at such next session, and not afterwards, according to the directions of this Act; any law, custom, or usage to the contrary notwithstanding; and no *certiorari* shall be granted to remove any conviction or other proceedings had thereon in pursuance of this Act.

To be filed.

Appeal.

XXXV. Provided always, and it is hereby further enacted, That if any person convicted of any offence or offences punishable by this Act, shall think himself or herself aggrieved by the judgment of the justice or justices before whom he or she shall have been convicted, such person

No. I. 39 and 40 George III. c. 99.

shall have liberty to appeal to the justices at the next general or quarter sessions of the peace which shall be held for the county, riding, division, city, liberty, town, or place where such judgment shall have been given, and that the execution of the said judgment shall in such case be suspended, the person so convicted entering into a recognizance at the time of such conviction, with two sufficient sureties, in double the sum which such person shall have been adjudged to pay or forfeit, upon condition to prosecute such appeal with effect, and to be forthcoming to abide the judgment and determination of the justices in their said next general or quarter session, and to pay such costs as the said justices in such session shall award on such occasion, which recognizance the said justice or justices before whom such conviction shall be had is and are hereby empowered and required to take; and the justices in the said general or quarter session are hereby authorized and required to hear and finally determine the matter of the said appeal, and to award such costs as to them shall appear just and reasonable to be paid by either party; and if, upon the hearing of the said appeal, the judgment of the justice or justices before whom the appellant shall have been convicted shall be affirmed, such appellant shall immediately pay the sum which he or she shall have been adjudged to forfeit, together with such costs as the justices in the said general or quarter session shall award to be paid for defraying the expences sustained by the defendant or defendants in such appeal, or in default of making such payment, shall suffer the respective pains and penalties by this Act inflicted upon persons respectively who shall neglect to pay, or shall not pay the respective sums or forfeitures by this Act to be paid by or imposed upon persons respectively, who shall be convicted by virtue of this Act.

Publick Act.

XXXVI. And be it further enacted, That this Act shall be deemed a public Act, and be judicially taken notice of as such, by all judges, justices, and other persons whomsoever without the same being specially pleaded (1).

(1) Considering the great frauds and oppressions which pawnbrokers have an opportunity of practising, and the facility which they afford to the disposing of stolen goods, I apprehend that it would be very beneficial to subject them to discretionary licenses by justices of peace.

Part VI. — Class XXVII.

PLAYERS. *

[No. I.] 10 George II. c. 28.—An Act to explain and amend so much of an Act made in the twelfth year of the reign of Queen *Anne*, intituled, *An Act for reducing the Laws relating to Rogues, Vagabonds, sturdy Beggars and Vagrants into one Act of Parliament; and for the more effectual punishing such Rogues, Vagabonds, sturdy Beggars, and Vagrants; and sending them whither they ought to be sent*," as relates to common Players of Interludes.

No. I. 10 Geo. II. c. 28.

12 Anne, stat. 2. c. 23.

'WHEREAS by an Act of Parliament made in the twelfth year of the reign of her late Majesty Queen *Anne*, intituled, *An Act for reducing the Laws relating to Rogues, Vagabonds, sturdy Beggars and Vagrants into one Act of Parliament; and for the more effectual punishing such Rogues, Vagabonds, sturdy Beggars, and Vagrants, and sending them whither they ought to be sent*, it was enacted, That all persons pretending themselves

* For the punishment inflicted by stat. 17 Geo. 2. c. 5; see post. Title *Vagrants*.

No. I. 10 Geo. II. c. 28.

'to be patent gatherers or collectors for prisons, gaols, or hospitals, and 'wandering abroad for that purpose, all fencers, bearwards, common players 'of interludes, and other persons therein named and expressed, shall be 'deemed rogues and vagabonds: And whereas some doubts have arisen 'concerning so much of the said Act as relates to common players of in-'terludes:' Now for explaining and amending the same, be it declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, That from and after the twenty-fourth day of *June* one thousand seven hundred and thirty-seven, every person who shall, for hire, gain, or reward, act, represent, or perform, or cause to be acted, represented, or performed, any interlude, tragedy, comedy, opera, play, farce or other entertainment of the stage (1), or any part or parts therein, in case such person shall not have any legal settlement in the place where the same shall be acted, represented, or performed, without authority by virtue of letters patent from his Majesty, his heirs, successors, or predecessors, or without licence from the Lord Chamberlain of his Majesty's household for the time being, shall be deemed to be a rogue and a vagabond within the intent and meaning of the said recited Act, and shall be liable and subject to all such penalties and punishments, and by such methods of conviction, as are inflicted on, or appointed by the said Act for the punishment of rogues and vagabonds who shall be found wandering, begging, and misordering themselves, within the intent and meaning of the said recited Act.

Persons acting plays, &c. in any place where they have not a settlement, or without authority, &c. to be deemed vagabonds,

II. And be it further enacted by the authority aforesaid, That if any person having or not having a legal settlement as aforesaid shall, without such authority or licence as aforesaid, act, represent, or perform, or cause to be acted, represented, or performed, for hire, gain, or reward, any interlude, tragedy, comedy, opera, play, farce, or other entertainment of the stage, or any part or parts therein, every such person shall for every such offence forfeit the sum of fifty pounds; and in case the said sum of fifty pounds shall be paid, levied, or recovered, such offender shall not for the same offence suffer any of the pains or penalties inflicted by the said recited Act.

and forfeit 50*l*.

III. And be it further enacted by the authority aforesaid, That from and after the said twenty-fourth day of *June* one thousand seven hundred and thirty-seven, no person shall, for hire, gain, or reward, act, perform, or represent, or cause to be acted, performed, or represented any new interlude, tragedy, comedy, opera, play, farce, or other entertainment of the stage, or any part or parts therein; or any new act, scene, or other part added to any old interlude, tragedy, comedy, opera, play, farce, or other entertainment of the stage, or any new prologue or epilogue, unless a true copy thereof be sent to the Lord Chamberlain of the King's household for the time being fourteen days at least before the acting, representing or performing thereof, together with an account of the playhouse or other place where the same shall be, and the time when the same is intended to be first acted, represented, or performed, signed by the master or manager, or one of the masters or managers of such playhouse or place, or company of actors therein.

No new plays or additions to old ones to be acted, unless a copy be sent to the Chamberlain, &c.

IV. And be it enacted by the authority aforesaid, That from and after the said twenty-fourth day of *June* one thousand seven hundred and thirty-seven, it shall and may be lawful to and for the said Lord Chamberlain for the time being, from time to time, and when, and as often as he shall think fit, to prohibit the acting, performing, or representing any interlude, tragedy, comedy, opera, play, farce, or other entertainment of the stage, or any act, scene, or part thereof, or any prologue or epilogue; and in case any person or persons shall, for hire, gain, or reward, act, perform, or represent, or cause to be acted, performed, or represented, any new interlude, tragedy, comedy, opera, play, farce, or other entertainment of the stage, or any act, scene, or part thereof, or any new prologue or epilogue, before a copy thereof shall be sent as aforesaid with such account as afore-

and persons acting against his prohibition, &c. forfeit 50*l*. and their licence.

(1) Tumbling is not an entertainment of the stage within this Act. Rex v. Handy, 6 T. R. 286.

No. I. 10 Geo. II. c. 28.

said, or shall for hire, gain, or reward, act, perform, or represent, or cause to be acted, performed, or represented, any interlude, tragedy, comedy, opera, play, farce, or other entertainment of the stage, or any act, scene, or part thereof, or any prologue or epilogue, contrary to such prohibition as aforesaid; every person so offending shall for every such offence forfeit the sum of fifty pounds, and every grant, licence, and authority (in case there be any such) by or under which the said master or masters, or manager or managers, set up, formed, or continued such playhouse, or such company of actors, shall cease, determine, and become absolutely void, to all intents and purposes whatsoever.

No plays to be acted but in Westminster, or places of his Majesty's residence.

V. Provided always, That no person or persons shall be authorised by virtue of any letters patent from his Majesty, his heirs, successors, or predecessors, or by the licence of the lord chamberlain of his Majesty's household for the time being, to act, represent, or perform for hire, gain, or reward, any interlude, tragedy, comedy, opera, play, farce, or other entertainment of the stage, or any part or parts therein, in any part of *Great Britain*, except in the city of *Westminster*, and within the liberties thereof, and in such places where his Majesty, his heirs or successors, shall in their royal persons reside, and during such residence only; any thing in this Act contained to the contrary in any wise notwithstanding.

Penalties how recovered, &c.

VI. And be it further enacted by the authority aforesaid, That all the pecuniary penalties inflicted by this Act for offences committed within that part of *Great Britain* called *England*, *Wales*, and the town of *Berwick* upon *Tweed*, shall be recovered by bill, plaint, or information, in any of his Majesty's Courts of Record at *Westminster*, in which no essoin, protection, or wager of law shall be allowed; and for the offences committed in that part of *Great Britain* called *Scotland*, by action or summary complaint before the Court of Session or Justiciary there; or for offences committed in any part of *Great Britain*, in a summary way before two justices of the peace for any county, stewartry, riding, division, or liberty where any such offence shall be committed, by the oath or oaths of one or more credible witness or witnesses, or by the confession of the offender; the same to be levied by distress and sale of the offender's goods and chattels, rendering the overplus to such offender, if any there be, above the penalty and charge of distress; and for want of sufficient distress the offender shall be committed to any house of correction in any such county, stewartry, riding or liberty, for any time not exceeding six months, there to be kept to hard labour, or to the common gaol of any such county, stewartry, riding or liberty, for any time not exceeding six months, there to remain without bail or mainprize; and if any person or persons shall think him, her, or themselves aggrieved by the order or orders of such justices of the peace, it shall and may be lawful for such person or persons to appeal therefrom to the next general quarter sessions to be held for the said county, stewartry, riding or liberty, whose order therein shall be final and conclusive; and the said penalties for any offence against this Act shall belong, one moiety thereof to the informer or person suing or prosecuting for the same, the other moiety to the poor of the parish where such offence shall be committed.

Persons acting in public houses.

VII. And be it further enacted by the authority aforesaid, That if any interlude, tragedy, comedy, opera, play, farce, or other entertainment of the stage, or any act, scene or part thereof, shall be acted, represented or performed in any house or place where wine, ale, beer, or other liquors shall be sold or retailed, the same shall be deemed to be acted, represented and performed for gain, hire and reward.

Limitation of actions.

VIII. And be it further enacted by the authority aforesaid, That no person shall be liable to be prosecuted for any offence against this Act, unless such prosecution shall be commenced within the space of six calendar months after the offence committed; and if any action or suit shall be commenced or brought against any justice of the peace, or any other person for doing, or causing to be done, any thing in pursuance of this Act, such action or suit shall be commenced within six calendar months next after the fact done; and the defendant or defendants in such action or suit shall

General issue.

and may plead the general issue, and give the special matter in evidence; and if upon such action or suit a verdict shall be given for the defendant or

defendants, or the plaintiff or plaintiffs or prosecutor shall become nonsuit, or shall not prosecute his or their said action or suit, then the defendant or defendants shall have treble costs, and shall have the like remedy for the same, as any defendant or defendants have in other cases by law.

No. I. 10 Geo. II. c. 28.

Treble costs.

[No. II.] 28 George III. c. 30.—An Act to enable Justices of the Peace to license Theatrical Representations occasionally, under the Restrictions therein contained.

No. II. 28 Geo. III. c. 30.

Preamble. 10 G. 2. c. 28.

'WHEREAS by an Act passed in the tenth year of the reign of his late Majesty King *George* the Second, certain penalties and punishments were inflicted on every person who should, for hire, gain, or reward, act, represent, or perform, or cause to be acted, represented, or performed, any interlude, tragedy, comedy, opera, play, farce, or other entertainment of the stage, or any part or parts therein, except as in the said Act is excepted: And whereas divers Acts of Parliament have since been solicited and obtained for divers cities, towns, and places, for exempting them respectively from the provisions of the said law: And whereas it may be expedient to permit and suffer, in towns of considerable resort, theatrical representations for a limited time, and under regulations; in which nevertheless, it would be highly impolitick, inexpedient, and unreasonable, to permit the establishment of a constant and regular theatre:' May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the justices of the peace of any county, riding, or liberty, in general or quarter sessions assembled, at their discretion, to grant a licence to any person or persons, making application for the same by petition, for the performance of such tragedies, comedies, interludes, operas, plays, or farces, as now are, or hereafter shall be acted, performed, or represented at either of the patent or licensed theatres in the city of *Westminster*, or as shall, in the manner prescribed by law, have been submitted to the inspection of the lord chamberlain of the King's household for the time being, at any place within their jurisdictions, or within any city, town or place, situate within the limits of the same, for any number of days, not exceeding sixty days, to commence within the then next six months, and to be within the space of such four months as shall be specified in the said licence, so as there be only one licence in use at the same time within the jurisdiction so given, and so as such place be not within twenty miles of the cities of *London*, *Westminster*, or *Edinburgh*, or eight miles of any patent or licensed theatre, or ten miles of the residence of his Majesty, his heirs or successors, or of any place within the same jurisdiction, at which, within six months preceding, a licence under this Act shall have been had and exercised, or within fourteen miles of either of the universities of *Oxford* and *Cambridge*, or within two miles of the outward limits of any city, town, or place, having peculiar jurisdiction; and so also as no licence under this Act shall have been had and exercised at the same place, within eight months then next preceding; any law or statute for the punishment of persons employed in theatrical representations to the contrary in any wise notwithstanding.

Justices of the peace may, at the general or quarter sessions, grant licences for the performance of plays, &c. under the restrictions hereinafter specified.

II. Provided always, That no such licence shall be granted by the justices as aforesaid, to be exercised within any city, town, or place, having peculiar jurisdiction, unless proof shall be made that the majority of the justices acting for such peculiar jurisdiction, have, at a publick meeting, signed their consent and approbation to the said application, or unless an express condition shall be therein inserted, that the same shall not be valid and effectual until it shall have been approved by the majority of the justices of such peculiar jurisdiction, at a meeting holden expressly for taking the same into consideration.

Licences not to be granted within any place having peculiar jurisdiction, without the consent of the majority of the justices acting for such jurisdiction.

III. Provided also, That no such licence shall be granted by the justices aforesaid within any city, town, or place, unless notice shall have been given by the person or persons applying for such licence, at least three

No licence to be granted unless three

weeks' notice be given the mayor, &c. previous to application for a licence.

weeks before such application, to the mayor, bailiff, or other chief civil officer or officers of such city, town, or place, of his or their intending to make such application.

PART VI.—CLASS XXVIII.

POOR.

[No. I.] 43 Elizabeth, c. 2.—An Act for the Relief of the Poor.

No. I. 43 Elizabeth, c. 2.

Who shall be overseers: their office, &c.

BE it enacted by the authority of this present Parliament, that the churchwardens of every parish (1), and four, three or two (2) substantial householders (3) there, as shall be thought meet, having respect to the proportion and greatness of the same parish and parishes, to be nominated yearly in *Easter* week (4), or within one month after *Easter* (5), under the hand and seal of two or more justices (6) of the peace in the same county, whereof one to be of the *quorum*, dwelling in or near the same parish or division (7) where the same parish doth lie, shall be called overseers of the poor of the same parish: and they, or the greater part of them, shall take order from time to time, by and with the consent of two or more such justices of peace (8) as is aforesaid, for setting to work the children of all

Who shall be taxed towards relief of poor.

(1) As to townships and vills, see 13 and 14 Ch. II. c. 12, post, No. 2; Geo. II. c. 38, post.

(2) An appointment cannot be of more than four; Loxdale, 1 Bur. 446: nor of less than two; Morris, 4 T. R. 550. So of a township under 13 and 14 Ch. II.; and a certificate signed by a sole overseer is void; Clifton, 2 East, 168. Dissenting teachers exempted; 1 W. and M. c. 18. s. 11. Freemen of the Corporation of Surgeons of London; 18 Geo. II. c. 15. Attornies and barristers; Pordage, 1 Bott. 16.; Pronse, ibid. Clergymen; Semble, 6 Mod. 140. An officer of the customs, although he have not his writ of privilege at the time of the appointment; Warner, 8 T. R. 375.

(3) They must be stated to be substantial householders in the appointment; Weobly, 2 Str. 1261. An appointment of A, a substantial householder of the parish of B, to be overseer of the hamlet of C, in the said parish, good; Morris, 4 T. R. 550. As to the quality of substantial householder, see R. *v.* Stubbs, 2 T. R. 395. A woman may be appointed overseer: S. C. A justice of peace ought not to be appointed, the offices being incompatible; Semble, 1 Bur. 245, 2 T. R. 779.

(4) Q. If an appointment on a Sunday is good. Semble, not. Vi. Butler, 1 Bl. 649. Bridgewater, Cooper, 139.

(5) An appointment after the end of the month is good, the statute being only directory; Sparrow, 2 Str. 1123. If two appointments, in other respects proper, are made the same day, the first is good, the second void; Searle, 1 Bott. 21, pl. 37; Menhurst and Allen, ibid 25, pl. 43. The magistrates having made their appointment, their jurisdiction in that respect is at an end; Great Marlow, 2 East, 244.

(6) The justices must be together; Forrest, 3 T. R. 38; Great Marlow, 2 East, 244.

(7) An appointment not mentioning the justices to be of the division, good; Sparrow, 1 Bott. 25, pl. 44.

(8) The allowance by the justices is merely ministerial; Uttoxeter, 1 Bott.

No. I. 43 Elizabeth, c. 2.

such whose parents shall not by the said churchwardens and overseers, or the greater part of them, be thought able to keep and maintain their children: And also for setting to work all such persons, married or unmarried, having no means to maintain them, as use no ordinary and daily trade of life to get their living by: And also to raise weekly or otherwise (by taxation of every inhabitant (9), parson, vicar and other, and of every occupier

77; Kynaston, 1 East, 118. They are compellable by mandamus to allow; Dorchester, 1 Str. 393. Rate for a borough cannot be allowed by justices of the county, or made by overseers appointed by them; Foley, 1 Bott. 78.

(9) The liability to the poor-rate is divisible into two principal heads; 1st. that of inhabitancy, as connected with certain property; 2d. that of the occupation of property, independently of the question of inhabitancy. The cases upon the first of these heads, may be subdivided into cases which relate to the character of inhabitancy, and those which relate to property; in respect of which, inhabitants, as such, may be chargeable.

INHABITANCY.

Personal residence necessary.

§ [2] It may now be considered as established, by the case of the inhabitants of Liverpool, 8 East, 455, Note R. *v.* Collinson; ib. Rex *v.* Nicholson, 12 East, 330; Williams *v.* Jones, ib. 346, the personal residence is necessary to constitute inhabitancy.

Local usage.

The chief questions with respect to the rateability on account of inhabitancy, have arisen upon personal estate; as to which a great number of questions were decided, especially during the time of Lord Mansfield, upon the mere local usage of the places where they originated; and the Court even refused to admit the parties to wave the statement of such usage, in order to obtain a decision of the general question.

But the impropriety of this principle is extremely manifest, and was always strongly felt by the profession. Lord Kenyon, in one of his earliest decisions, took an incidental opportunity to express his protest against it. But the Court had previously advanced so far as to establish, that such property, if rateable, must be local, visible property, within the parish; Andover Cooper, 550: and shortly afterwards the question was brought very extensively before the Court, by the case of the King *v.* White, 4 T. R. 771, in which the following principles were established:—that ships were rateable in the parish which was their home; (2) that stock in trade is so in the parish; (3) that money out at interest, money in specie, household furniture and salaries were not so.

What personal property rateable; what not.

Packet boat.

§ [3] In pursuance of the above principles it has been decided, in R. *v.* Jones, 8 East, 451, that an inhabitant of Holyhead was rateable to the poor there, for a packet boat employed in carrying the mail to Ireland, provided by him at his own expense, and registered elsewhere.

Attorneys' profits.

It has been held that an attorney is not rateable for his fees and profits; R. *v.* Startifant, M. 37 G. 3.

Stock in trade.

§ [4] Stock in trade * is only rateable if productive, and it is for the sessions to determine that fact, and also the amount of the rate; and, therefore, where the sessions quash a rate for not including stock in trade, which they hold ought to be rated, without finding more; as, whether it produced profit, or was liable to incumbrances equal to the value: the order of sessions was set aside, as not sufficiently disclosing facts to enable the Court to draw the conclusion, that the persons omitted ought to have been rated, although it was held that the bare possession of personal property was evidence from which the justices might have drawn the conclusion, that the possessor should be rated; R. *v.* Duresly, 6 T. R. 53. In the case of Darlington, 6 T. R. 468, it was found, that certain persons (the not charging of whom in the rate for stock in trade, was the ground of appeal) kept shops, and possessed a visible stock in trade, and appeared to carry on business to the same extent as in the preceding year, when they paid the rate; but that their circumstances or ability, or that they made profit of their stock in trade, or that it was exclusive of their debts, or a clear residue after debts paid, did not appear; and the Court of B. R. held, that they ought to have quashed the rate.—[This was previous to the statute 41 G. III. which authorises amending rates.]—Where it was stated that several inhabitants were possessed of visible stocks in trade, which were not rated, and that evidence was given of the amount of the clear surplus of such stock in the several instances, but that the justices were

* Silk, &c. in the hands of silk twisters, to be spun, is not rateable as stock in trade; Rex *v.* Sherborne, 8 E. 537.

No. I. 43 Elizabeth, c. 2.

of lands, houses, tithes impropriate, propriations of tithes, coal-mines, or saleable underwoods in the said parish, in such competent sum and sums

not satisfied, from the evidence, that there was any sum or surplus by which they could amend the rate, which they therefore confirmed: the order was supported, and it was said by Lord Ellenborough, "stock in trade, merely as being visible, is not liable to be rated; but, to make it rateable, it must also be productive; but the justices have not found that it was productive, or, what is to the same effect, that it had not been proved to their satisfaction;" R. *v.* Sir A. Macdonald, 12 East, 324.

[The real point upon which the sessions decided this case, in which the editor was counsel, was, not that the evidence was insufficient to shew that the property was productive generally, but that it did not go to prove the sums in particular for which the rate ought to have been made; and this, in fact, appears to be an insuperable difficulty attached to the subject, whenever the question is fairly contested.

It may also be observed, that when a rate is objected to, as not including particular persons, liable in respect of personal estates, and due notice is given to those persons, and the case is sufficiently made out to affect them, they are reasonably entitled to object to the amendment of the rate, by including a charge against them, when there are others in the same situation to whom the notice has not been given, and who, therefore, cannot be included; whereby the amendment may have a partial and unequal operation, and would, therefore, be unjust.

The consequences which may arise from this consideration, and the practical difficulties which necessarily attend the rating of personal property if contested, compared to the smallness of the advantage which can result from it, may possibly be a matter of sufficient consideration to the Legislature, as furnishing ground for removing the liability altogether.]

In the case of Ambleside, 16 E. 380, the sessions quashed the rate for not including personal property; and the Court of King's Bench set aside the order of sessions, because they ought to have amended the rate, by virtue of the power in st. 41 Geo. III. c. 23, and not to have quashed it. But it is to be observed, that the statute expressly provides, that if the sessions shall be of opinion that it is necessary, for the purpose of giving relief to the person or persons appealing, that the rate should be wholly quashed, then the said court may quash the same.

OCCUPATION.

§ [5] The next head of this note, which relates chiefly to the liability to poor rates by reason of occupation, as distinguished from inhabitancy, is confessedly abridged from the edition of Burn. The cases referred to relate 1st., to the mode of occupation by the person rated; or, 2d. to the subject matter rated.

I. With respect to the Mode of Occupation.

§ [6] Using one of the rooms of a house, by keeping a lathe for amusement; keeping corn in another part, occupying the garden, and allowing a poor person to sleep in a part having no communication with the remainder, is an occupation of the whole; St. Mary the Less, Durham, 4 T. R. 477.

So a surgeon of a militia regiment, leaving an assistant in possession of the shop, which had no communication with the house (the garden being taken care of), the person with whom the key was left allowing a friend of the master to lodge there, the house being always ready for the master's return; Aberystwith, 10 E. 354.

A person building a school for the education of poor children on his charity, and the house being wholly appropriated for this purpose, is not an occupier; Waldo Cald. 358.

But persons in the beneficial occupation of lands upon a charitable institution are rateable; Munday, 1 East, 584.

So the master of a free school, for a house, garden, and other property, without rent; Catt. 6 T. R. 352.

So an officer of Chelsea Hospital, having apartments distinctly and separately for his own use; Ayre *v.* Smallpeare, 1 Bott. 131.

But not the matron of a charitable institution (the Philanthropic Society), having no distinct apartment for herself, but a bed-chamber, in the house; her family not being allowed to reside therein; Field, 5 T. R. 587.

of money as they shall think fit) a convenient stock of flax, hemp, wool, No. I. 43 Elizabeth, c. 2.

A servant residing in a light-house to take care of the lights, is not rateable as occupier; Tynemouth, 12 E. 46.

In St. Luke's Hospital, held there was no beneficial occupation, either in the nominal trustees, the servants (it not being a rate in respect of their separate apartments), or the objects of the charity; 2 Burr. 1053.

So the corporation of London, who erected St. Bartholomew's Hospital on the scite of several ancient houses, are not liable, not being de facto occupiers; St. Bartholomew's the Less, 4 Bur. 2435.

A corporation, e. g. a college in one of the universities may be rateable as occupiers; R. *v.* Gardner, Cooper 79. Admitted, Aberavon, 5 E. 453.

The burgesses of a borough letting out the aftermath of a pasture, at a certain sum per head of cattle, are rateable as occupiers; the agisters of the cattle not; Burgesses of Tewkesbury, 13 E. 155.

Royal palaces, in the occupation of the royal family, not rateable; secus as to the houses occupied by servants; Old Windsor *v.* Mathews, Cald. 1.

The ranger of a park rateable for the profits of land held as such; not for herbage and pannage yielding no profit; L. Bute *v.* Grindall, 1 T. R. 338.

The commander of a regiment not rateable for premises taken for the use of a regiment, and never used in any manner for his private benefit; Lord Amherst *v.* Lord Somers, 2 T. R. 372.

A master gunner for a barrack house, rateable, being stated by the sessions to be occupier; Hurdis, 3 T. R. 497.

[Lord Kenyon said, "It might have been contended below that he was not occupier in the legal sense of the word, yet the finding of the sessions precluded that question."—This is one of the numerous instances which occur in the books of catching at a word, and giving the go-by to the real question intended to be submitted. The sessions, of course, intended to reserve a case upon the particular facts; and the statement that the party was occupier, is no more than is implied in the confirmation of the rate. And in the subsequent case of King *v.* Field, 5 T. R. 591. above referred to, it being urged that the sessions had stated the appellant was occupier, Lord Kenyon said, it was not so stated as a fact, that the Court could not deliberate upon it, but as a point upon which the sessions desired to have their opinion.]

A barrack master, there being several apartments beyond what were necessary for regimental business, in which he resided with his family; Terrot, 3 East, 506.

[In this case the authorities bearing upon the subject were very fully examined, and Lord Ellenborough laid down the general doctrines respecting it as follows:—"The principle is, that if the party have the use of the building, or other subject of the rate, as a mere servant of the crown, or of any public body, or in any other respect, for the mere exercise of public duty therein, and have no beneficial occupation of, or emolument resulting from it, in any personal and private respect, then he is not rateable. The property of the crown, in the *beneficial occupation* of a subject, whether he be a civil or a military officer, is equally rateable. But if the use of a residence upon the property be either as the servant of the crown, and for public purposes only, or as a mere public officer or servant, or of any other description, the parties having the use of the property merely for such purposes, are not rateable; because the occupation is throughout that of the public, and of which public occupation the individuals are only the means and instruments."]

In Wilford *v.* Copland, 3 Bos. and Pull. 129, it was ruled, that the masters in chancery were not liable to be rated under a local Act, for the rooms used by them for the purposes of their office, in the public building appropriated for that purpose. The case was regarded as depending upon the same principles with the rateability to the poor. Lord Alvanley delivered an elaborate judgment, in the course of which he incidentally observed (with reference to what had passed on a former occasion), that "it was difficult to conceive that the residence of a porter, who had the care of the whole building, could make each master rateable for his own apartment."

The proprietor of a chapel, of which a profit is made by letting out pews, is rateable; Robson *v.* Hyde, Cald. 310.

The trustees of a dissenting meeting, who receive rents for seats, are lia-

No. I. 43 Elizabeth, c. 2.

thread, iron, and other necessary ware and stuff, to set the poor on work:

ble, as occupiers, although they apply the whole receipts for the purposes of the establishment; Agar, 14 East, 256.

The trustees of a quakers' meeting not rateable for the meeting-house, of which the basement story consists of several rooms; one occupied by the doorkeepers, and others by poor persons maintained by the society; the meeting being solely appropriated to religious and charitable purposes, the trustees not receiving any rent; Woodward, 5 T. R. 79.

II. Of the subject matter rated.

TITHES, and payments in lieu thereof.

§ [7] If a parson lease the entire tithes to one person, the lessee is liable; but the parson or lessee, agreeing with the particular tenants for the retention of their tithes, is rateable as occupier; 8 Mod. 61; Lambeth, 1 Str. 525.

The parson is rateable for the tithe of fish caught and brought on shore; Carlyon, 3 T. R. 385. Oblations and offerings are rateable; Dict. ibid.

A certain payment established by act of parliament in lieu of tithes, is rateable; Lowndes *v.* Horne, 2 Black. 1252; Hume *v.* Pickering, Cald. 196; unless there is a particular ground in the Act for inferring the contrary, as in Rex *v.* Toms, Doug. 401.—[In that case, an option was given to the parish to pay a certain sum in lieu of the specific payments, which were expressly exempted from parochial taxes.]

MINES.

§ [8] In the case of the Governor and Company for Smelting Lead *v.* Richardson, 3 Bur. 1341, it was ruled, that lead mines were not rateable; the Court inferring (with what degree of reason it is not material to examine), that the expression of coal mines in the statute of Elizabeth, excludes mines of any other sort as much as if they had been excepted.

The case has been followed as an authority ever since, and accordingly a rate on "iron and coal mines" was quashed; Cunningham, 5 East, 478.

But a duty of lot and cope, payable to the lord or lessee of the crown, from mines, in proportion to their produce, is rateable; Rowler *v.* Gill, Cowp. 451. [Qu. under what *words* of the Act.] So Toll Tin, St. Agnes, 3 T. R. 480.

So the lessees (running no risque, nor incurring any expense) under the lord of a manor, of the "lot, toll, and free share," of calamine mines; Baptist Mill Company, 1 M. and S. 612.

Coal mines are rateable, although the lessee does not receive so much as the rent and expenses; Parrott, 5 T. R. 593.

> [Per Lord Kenyon.—"The objection of the appellants is, that they have made an unprofitable bargain with the lessees; but we cannot examine into that, it being sufficient to make them liable, that they are occupiers of rateable property."—This is evidently a general principle, and not confined to the particular subject.]

But the mine being exhausted, no rate is payable for an annual rent in respect of it, to be paid whether coal should be gotten or not; Bedworth, 8 T. R. 387.

Neither can a rate be made in respect of a demise of mines, subject to certain reservations on the minerals got, the mines not being, in fact, worked; Bishop of Rochester and others, 12 East, 353.

Lime works are rateable, and not exempted as mines; Alberbury, 1 E. 534.

So slate works; Woodland, 2 E. 164.

Potters' clay pits; Brown, 8 E. 528.

SALEABLE UNDERWOOD.

§ [9] Woods cut down once in 21 years, are rateable in the years in which they are not severed, according to the improvement in value, or the rent which may be fairly expected from it; Mirfield, 10 East, 219.

CASES RESPECTING TOLLS, FERRIES, NAVIGATIONS, WATER-WORKS, &c.

§ [10] A dock company, for a dock upon which a profit is derived; Dock Company of Hull, 1 T. R. 219.

A bargeway or towing path and tollgate (the pasture and herbage being let to A. B. who is separately rated); Mayor, &c. of London, 4 T. R. 21.

A sluice; the tolls being due in the parish, although received elsewhere; Condrington, Cooper, 581.

1. Rateable.

Tolls of a navigation, where they become due; Arie and Calder, 2 T. R, 660; Page, 4 T. R. 543; Stafford and Worcester Canal, 8 T. R. 340.—(*But see subsequent cases contrà.*)

The toll of a corporation; 3 Keble, 540 (but later judgments are contrary, where the corporations are not owners of the soil).

A lock, which an individual is authorised to build on a canal and take

and also competent sums of money for and towards the necessary relief of the lame, impotent, old, blind, and such other among them, being poor, No. I. 43 Elizabeth, c. 2.

certain rates*, with rates given in compensation for loss of profits on certain wharfs. Per Curiam, "The lock itself is rated, which is something real and substantial within the township, producing profit; and the addition of the *dues or rates*, in the poor rate, is merely giving other names for the same thing; this does not break in upon the decision that tolls are not rateable *per se*."

The Corporation of Bath are liable to be rated in an adjoining parish, for reservoirs of water there of waterworks for supplying certain parishes in the city; but not for the whole profits of the waterworks, part of which arises by means of pipes, &c. in other parishes; 14 E. 609.

The New River Company rateable at Amwell, for their spring there, although all the water distributed and the profit received elsewhere; 1 M. and S. 503.

The proprietors of the Rochdale waterworks, for main pipes, to which the inhabitants of houses made a communication by lead pipes, paying for the water; 1 M. and S. 634.

§ [11] The tolls of a light-house; the owner not residing in the parish; 1 Bott. 142. 2. Not rateable.

So Tynemouth, 12 East, 46. Qu, ibid. if the rate could be on the light-house, on account of being let at a higher rate by reason of the tolls.

The commissioners of a drainage, for a drain not producing profit in the parish and whereby the only persons benefitted were the owners of the lands in other parishes; Sculcoates, 12 E. 40. The space occupied by a canal, no tolls arising there; Semble, ibid.

Tolls of a ferry, except in respect of inhabitancy; Nicholson, 12 E. 330.

Tolls of navigation (except in respect of local, visible property in the soil); Semble, ibid.

S. P. as to ferry, there being no exclusive use of the landing places; Williams *v.* Jones, 12 East, 346.

The tolls of a sluice applicable to public purposes; there being no beneficial occupant; Salter's Sluice, 4 T. R. 730.

§ [12] A piece of land belonging to a corporation, used as a common of pasture, and stocked by such resident burgesses as thought proper, paying an annual sum to those who did not. It was considered as a corporeal tenement, of which the burgesses were tenants in common; Watson, 5 E. 480. See case of the Burgesses of Tewkesbury, ante [6]. Miscellaneous Cases. Rateable.

Waggon ways, of which the persons rated had the exclusive occupation; Bell, 7 T. R. 598. See R. *v.* Joliffe: Secus as to a mere right of passage, infrà.

Lands with a mineral spring (Cheltenham Spa), in respect of the increased profits from the spring; *Miller, Comp.* 619.

A building with a steelyard or weighing machine attached, in respect of the machine; St. Nicholas, Gloucester, Cald. 262.

A house with a carding machine let therewith, as one entire subject; the machine not being fixed to the premises, but capable of being removed at pleasure; Hogg, 1 T. R. 731.

A fishery [but the case turned upon special circumstances, and upon the opinion of Court, that they must see clearly that the sessions had done wrong in order to set aside their judgment; and there was some ground for holding that there was an interest in the soil. Nothing was determined with respect to a fishery as a mere incorporeal hereditament]; Ellis, 1 M. and S. 652.

---

§ [13] Quit rents and casual profits of a manor; Carth 19. Comb. 264. Vandervall, 2 Bur. 167. Not rateable.

The principle is, that there would be a double rating in the hands of the landlord and of the tenant; per Lord Kenyon, Alberbury, 1 E. 534.

A way leave, being a bare easement and right of passage; Joliffe, 2 T. R. 598.

Contrà, as to a waggon way with exclusive occupation of the ground; 7 T. R. 598.

Query as to a fishery, being a mere incorporeal hereditament, without interest in the soil; Ellis, 1 M. and S. 652. Vi. suprà.

For Cases respecting Chapels, Meetings, &c. see ante. § 6.

* Qu. If this power, which was merely subsidiary to the right of taking toll, gave a property in the soil.

No. I. 43 Elizabeth, c. 2.

and not able to work, and also for the putting out of such children to be apprentices, to be gathered out of the same parish (10), according to the ability of the same parish, and to do and execute all other things as well for the disposing of the said stock, as otherwise concerning the premises, as to them shall seem convenient:

A convenient stock shall be provided to set the poor on work.

The names of such as receive collection to be registered in a book.

The overseers shall meet once every month.

The overseers' account.

II. Which said churchwardens and overseers so to be nominated, or such of them as shall not be let by sickness or other just excuse, to be allowed by two such justices of peace or more as is aforesaid, shall meet together at the least once every month in the church of the said parish, upon the *Sunday* in the afternoon, after divine service, there to consider of some good course to be taken, and of some meet order to be set down in the premises; and shall within four days after the end of their year (11), and after other overseers nominated as aforesaid, make and yield up to such two justices of peace, as is aforesaid, a true and perfect account (12) of all

OF RELIEF AGAINST POOR RATES BY APPEAL OR ACTION.

§ [14] If a person, not having rateable property within the parish, is distrained upon for a poor rate, it seems clear that he has a remedy by action of trespass; a great many of the cases respecting rateability having arisen upon such actions.

In other cases the remedy must be by appeal.

The sessions are exclusively the judges of the quantum or value of rateable property; and it is for them to decide whether lands and buildings shall be rated in the same or different proportions; Brograve, 4 Cur. 2491; Bullen, Caldec. 93; Sandwich, Caldec. 105.

But if the sessions state a principle of rating which is contrary to law (as not rating improvements), the Court of B. R. may give relief; Mast. 6 T. R. 154.

The rate should be at the present improved value, without regard to the rent; S. C. and Shingle, 7 T. R. 549.

A third person cannot appeal on the ground of one person being rated rather than another, for other property (the property itself being fully rated); Semble, Rex v. Brown, 8 E. 528.

Upon an appeal, the respondents must support the rate, both as to liability and amount; Topham, 12 E. 546.

Formerly, if a rate was objected to on account of any person being omitted or under-rated, it could not be amended; and, if objectionable, must have been quashed. But the law, in this respect, is altered by stat. 41 Geo. III. c. 23.

With respect to the sessions to which the appeal must be made, and the proper notice of appeal, see 17 Geo. II. c. 38; 41 Geo. III. c. 23.

(10) A rate could not be made under this Act to reimburse former overseers; Tawney's Case, 2 Salk. 531: nor by an overseer for successive years, to reimburse himself the expenses of a preceding year; Goodcheap, 6 T. R. 149.

But see statute 41 Geo. III. c. 23. s. 9, post.

A rate cannot be made for repayment of money, borrowed to rebuild or repair a workhouse; Wevill, Doug. 111.

As to power of purchasing houses, see 9 Geo. I. c. 7.

For contribution to county rates, 18 Geo. III. c. 19.

(11) It was ruled H. 10 Ann, that after the accounts have been laid before any justices, either by the overseers or the parish, no other justices can interfere; Townsend, 1 Bott. 304. But see the subsequent statutes, 17 Geo. II. c. 38; 50 Geo. III. c. 49, post.

(12) A person who has been overseer for several years cannot include all the years in one account, but must account separately for each year; Goodcheap, 6 T. R. 159. The overseers cannot excuse themselves from accounting and paying over the money, by an order of vestry to apply it in a suit for charity money; Justices of Somerset, 2 Str. 992. An overseer becoming bankrupt before the time when he is required by law to pay over the money, is not discharged from the liabilities under this Act and 17. G. II. c. 38, by his certificate; Eggington, 1 T. R. 369. Two justices have power to order the payment of a balance arising from disallowance of charges, on an appeal to the sessions; Carter, 4 T. R. 246. There cannot be an appeal to the sessions against the accounts, without a previous allowance by two justices; Bentlett, 2 Stra. 983. A salary to an overseer cannot be allowed in the account; Glyde, 2 M. and S. 323.

sums of money by them received, or rated and sessed, and not received, and also of such stock as shall be in their hands, or in the hands of any of the poor to work, and of all other things concerning their said office, and such sum or sums of money as shall be in their hands, shall pay and deliver over to the said churchwardens and overseers, newly nominated and appointed as aforesaid; upon pain that every one of them absenting themselves without lawful cause as aforesaid, from such monthly meeting for the purpose aforesaid, or being negligent in their office, or in the execution of the orders aforesaid, being made by and with the assent of the said justices of peace or any two of them before-mentioned, to forfeit for every such default of absence or negligence twenty shillings (13).

The overseers' forfeiture for absence or negligence.

III. And be it also enacted, that if the said justices of peace do perceive, that the inhabitants of any parish (14) are not able to levy among themselves sufficient sums of money for the purposes aforesaid; that then the said two justices (15) shall and may tax, rate, and assess (16), as aforesaid, any other (17) of other parishes, or out of any parish within the hundred (18) where the said parish is, to pay such sum and sums of money to the churchwardens and overseers of the said poor parish, for the said purposes, as the said justices shall think fit (19), according to the intent of this law: and if the said hundred shall not be thought to the said justices able and fit to relieve the said several parishes not able to provide for themselves as aforesaid; then the justices of peace, at their general quarter sessions, or the greater number of them, shall rate and assess as aforesaid, any other of other parishes, or out of any parish within the said county, for the purposes aforesaid, as in their discretion shall seem fit (20).

A provision where the inhabitants of any parish are not able to relieve the poor.

IV. And that it shall be lawful, as well for the present as subsequent churchwardens and overseers, or any of them, by warrant, from any two such justices of the peace as is aforesaid, to levy as well the said sums of money and all arrearages, of every one that shall refuse to contribute according as they shall be assessed, by distress and sale of the offenders' goods (21),

Churchwardens, &c. may make a rate to reimburse themselves, &c.

A remedy for the levying of the money assessed.

[But it might be very convenient for the legislature to permit such salaries to be allowed, with the assent of the parish; a practice which exists very extensively in point of fact; and which, so far as I have observed, is generally beneficial. For Manchester there is a local Act, allowing the appointment of an indefinite number of overseers; and a great many persons are employed in that capacity, with salaries which are merely a fair remuneration for their labour.]

(13) An overseer is not subject to the penalty unless he has personal notice of his appointment; Rex *v.* Harman, 12 E. Qr. Burn.

(14) This extends to vills; Foley, 25.

(15) The rate upon parishes in the same hundred cannot be made at the sessions; Griesley, Sett. Cas. 259; Eastchurch, 1 Bott. 350.

(16) The justices must assess the rate, and cannot order the churchwardens and overseers to do so; St. Mary's *v.* St. Peter's and St. Paul's, in Marlborough; 2 Str. 1114.

(17) The rate may be on particular persons; Comb. 309; 1 Ventr. 350; Boroughfen, Foley, 29.

(18) The parishes must appear to be within the same hundred; Boroughfen and St. Jones, Foley, 31; or other division of the same nature, as a soke; Milland, 1 Bur. 576. The rate cannot be by justices of a county upon a borough having exclusive jurisdiction; Holbeche, 4 T. R. 778.

(19) An order "as long as we the said justices shall think proper," is bad; St. Mary's in Marlborough, 2 Str. 700. A sum in gross for a year is good; Knightly, Comb. 309: to raise a certain sum in the pound is bad; Telscombe, 1 Str. 314: to raise the sum of 60*l.*, good; St. Peter and St. Paul in Marlborough, 2 Str. 1114.

(20) The order in sessions for taxing another hundred, need not be preceded by an enquiry of two justices as to the sufficiency of the same hundred; Percivall, 1 Str. 56.

(21) The distress cannot be made under a general warrant; Tracy *v.* Talbot, 2 Salk. 532. There must be a previous summons; Semble, R. *v.* Benn and Church, 6 T. R. 198; Harper *v.* Cary, 7 T. R. 270. As to whether distress can be levied upon an executor or administrator for a rate on the deceased, see Stephens *v.* Evans, 2 Bur. 1152.

No. I. 43 Elizabeth, c. 2.

as the sums of money or stock which shall be behind upon any account to be made as aforesaid, rendering to the parties the overplus; and in defect of such distress, it shall be lawful for any such two justices of the peace, to commit him or them to the common gaol of the county, there to remain without bail or mainprise, until payment of the said sum, arrearages and stock: and the said justices of peace or any of them, to send to the house of correction or common gaol such as shall not employ themselves to work, being appointed thereunto as aforesaid; and also any such two justices of peace to commit to the said prison every one of the said churchwardens and overseers, who shall refuse to account, there to remain without bail or mainprise, until he have made a true account, and satisfied and paid so much as upon the said account shall be remaining in his hands (22).

Imprisonment in default of distress.

Imprisonment of those that will not work.

Refusers to account imprisoned.

V. And be it further enacted, that it shall be lawful for the said churchwardens and overseers, or the greater part of them (23), by the assent of any two (24) justices of the peace aforesaid, to bind any such children as aforesaid to be apprentices, where they shall see convenient, till such man-child shall come to the age of four and twenty (25) years, and such woman-child to the age of one and twenty years, or the time of her marriage; the same to be as effectual to all pur-

Binding of children apprentices.

(22) The commitment must express the party to be an overseer; committing him by the name of churchwarden is bad; Peake, Keble, 574. The commitment must be till he account, not until he be duly discharged according to law; Churchwardens of Northampton, Carth. 152. If the accounts are adjusted, there cannot be a commitment for non-payment of the balance, without previous distress; Turner, 1 Bott. 310; Hodges, 3 Salk. 533; 1 Bott. 304.

(23) Where one of the two overseers was also sole churchwarden, and the indenture was executed by the overseers, the binding was held insufficient, as by the statute there ought to be two overseers, exclusive of churchwardens; All Saints, Derby, 13 E. 143; but this is now remedied by 51 G. III. c. 80, ante. Title APPRENTICES, which has retrospective operation. Where an indenture appeared to be made by A. B. churchwarden, and C. D. overseer of the hamlet of ———, and no other evidence was given respecting it, it was holden by the sessions to be sufficient; but the Court of King's Bench held, that there might be one churchwarden only by custom, and that if any intendment could by law be made to support the indenture, they must make that intendment; Hinckley, 12 East, 361.

[I have never been able to assent to the correctness of this decision, because the presumption is always to be made according to the general course and operation of the law; and if the appointment of one churchwarden would be, primâ facie, void, the existence of a special custom to support it would seem to require positive proof.]

A binding by the overseers of a township maintaining its own poor, since stat. 13 and 14 Charles II. c. 12, is valid; Nantwich, 16 E. 228.

For the statutes relating particularly to parish apprentices, see ante. Title APPRENTICES.

(24) The allowance is a judicial act, and the justices must be together; Hamstall, Ridware, 3 T. R. 380: but if one who has signed is present at the signature of the other, it is sufficient; Winwick, 8 T. R. 454: and when the master has executed, he is estopped from proving upon appeal that, at the time of his execution, the indenture was only signed by one justice; Saltern, 24 Geo. III. 1 Bott. 613. In fact, it is not usual for the justices to allow the indentures until after they have been executed by the parties. It is not necessary that the apprentice should execute the indenture; St. Nicholas in Nottingham, 2 T. R. 726. Where the justices refused to allow the indenture, and the overseer persuaded the pauper and his mother to execute an indenture of apprenticeship to the master, and paid a fee thereon out of the parish money, it was ruled that the indenture was valid, and that the sessions were not warranted in finding fraud; Kilby, 2 M. and S. 501. See post, 8 and 9 W. c. 30, as to compulsory bindings; with some observations upon proposed alterations in the law respecting parish indentures.

(25) Changed to twenty-one by stat. 18 Geo. III. c. 47, ante. Title APPRENTICES.

poses as if such child were of full age, and by indenture of covenant bound him or herself. And to the intent that necessary places of habitation may more conveniently be provided for such poor impotent people; Be it enacted by the authority aforesaid, that it shall and may be lawful for the said churchwardens and overseers, or the greater part of them, by the leave of the lord or lords of the manor, whereof any waste or common within their parish is or shall be parcel, and upon agreement before with him or them made in writing, under the hands and seals of the said lord or lords, or otherwise, according to any order to be set down by the justices of peace of the said county at their general quarter sessions, or the greater part of them, by like leave and agreement of the said lord or lords in writing under his or their hands and seals, to erect, build, and set up in fit and convenient places of habitation, in such waste or common, at the general charges of the parish or otherwise of the hundred or county as aforesaid, to be taxed, rated and gathered in manner before expressed, convenient houses of dwelling for the said impotent poor; and also to place inmates, or more families than one in one cottage or house; one Act made in the one and thirtieth year of her majesty's reign, intituled, *An Act against the erecting and maintaining of Cottages* (26), or any thing therein contained, to the contrary notwithstanding: Which cottages and places for inmates shall not at any time after be used or employed to or for any other habitation, but only for impotent and poor of the same parish, that shall be there placed from time to time by the churchwardens and overseers of the poor of the same parish, or the most part of them, upon the pains and forfeitures contained in the said former Act made in the said one and thirtieth year of her majesty's reign.

Building of houses on the waste for the poor to inhabit.

VI. Provided always, that if any person or persons shall find themselves grieved with any sess or tax, or other act done by the said churchwardens, and other persons, or by the said justices of peace; that then it shall be lawful for the justices of peace, at their general quarter sessions, or the greater number of them, to take such order therein as to them shall be thought convenient; and the same to conclude and bind all the said parties.

A remedy for them who find themselves aggrieved by any tax.

VII. And be it further enacted, that the (27) father and grandfather, and the mother and grandmother, and the children of every poor, old, blind, lame, and impotent person, or other poor person not able to work (28), being of a sufficient ability (29), shall, at their own charges, relieve and maintain every such poor person in that manner (30), and according to that rate, as by the justices of peace of that county where such sufficient persons dwell (31), or the greater number of them, at their general quarter sessions shall be assessed; upon pain that every one of them shall forfeit twenty shillings for every month, which they shall fail therein (32).

Poor persons relieved by their parents and children.

VIII. And be it further hereby enacted, that the mayors, bailiffs, or other head officers of every town and place corporate and city within this realm,

Officers of corporate towns have the authority of justices of peace.

(26) Repealed, 15. G. III. c. 32.

(27) It is established by several authorities, that the provisions of this section relate only to natural and legitimate relations, and not to relations by marriage or bastards. A man is not liable for the maintenance of his wife's children by a former husband; Tubb *v.* Harrison, 4 T. R. 118; Cooper *v.* Martin, 4 E. 76. Whether grandchildren are liable to maintain their grandfathers or grandmothers, Q. vide Walton *v.* Spark, 1 Bott. 370; vide also the observations in Burn, Poor, Sect. 3 (1).

(28) The order must shew the person directed to be relieved, to be within the words of the statute; St. Andrew's Undershaft *v.* De Breta, 1 Lord Kenyon, 699: stating a person to be in a poor, destitute condition is not sufficient; Gulley, Foley, 47. The party should appear to be chargeable; Tripping, 16 Viner, 424.

(29) This must be expressed; Halifax, Set. Cas. 52.

(30) Order to pay till the Court should order the contrary, good; Jenkins's Case, 2 Salk. 534.

(31) Order by justices of Middlesex upon a party there to relieve a person in Surrey, is bad; 2 Bulstr. 346.

(32) An indictment may be maintained for disobedience of the order; Robinson, 2 Bur. 799.

No. I. 43 Elizabeth, c. 2.

being justice or justices of peace, shall have the same authority by virtue of this Act, within the limits and precincts of their jurisdictions, as well out of sessions, as at their sessions, if they hold any, as is herein limited, prescribed and appointed to justices of the peace of the county, or any two or more of them, or to the justices of peace in their quarter sessions, to do and execute for all the uses and purposes in this Act prescribed, and no other justice or justices of peace to enter or meddle there, (33) and that every Alderman of the city of *London* within his ward, shall and may do and execute in every respect so much as is appointed and allowed by this Act to be done and executed by one or two justices of peace of any county within this realm.

Aldermen of London.

A parish extending into two counties, or into two liberties.

IX. And be it also enacted, That if it shall happen any parish to extend itself into more counties than one, or part to lie within the liberties of any city, town, or place corporate, and part without, that then, as well the justices of peace of every county, as also the head officers of such city, town, or place corporate, shall deal and intermeddle only in so much of the said parish as lieth within their liberties, and not any further: And every of them respectively within their several limits, wards, and jurisdictions, to execute the ordinances before-mentioned concerning the nomination of overseers, the consent to binding apprentices, the giving warrant to levy taxations unpaid, the taking account of churchwardens and overseers, and the committing to prison such as refuse to account, or deny to pay the arrearages due upon their accounts; and yet nevertheless, the said churchwardens and overseers, or the most part of them, of the said parishes that do extend into such several limits and jurisdictions, shall, without dividing themselves, duly execute their office in all places within the said parish, in all things to them belonging, and shall duly exhibit and make one account before the said head officer of the town or place corporate, and one other before the said justices of peace, or any such two of them, as is aforesaid.

The justice's forfeiture for not naming of overseers.

X. And further be it enacted by the authority aforesaid, That if any place within this realm there happen to be hereafter no such nomination of overseers yearly, as is before appointed, That then every justice of peace of the county, dwelling within the division where such default of nomination shall happen, and every mayor, alderman, and head officer of city, town or place corporate, where such default shall happen, shall lose and forfeit for every such default five pounds, to be employed towards the relief of the poor of the said parish or place corporate, and to be levied as aforesaid, of their goods, by warrant from the general sessions of the peace of the said county, or of the same city, town or place corporate, if they keep sessions.

How the forfeiture shall be levied and employed.

XI. And be it also enacted by the authority aforesaid, That all penalties and forfeitures before-mentioned in this Act to be forfeited by any person or persons, shall go and be employed to the use of the poor of the same parish, and towards a stock and habitation for them, and other necessary uses and relief, as before in this act are mentioned and expressed; and shall be levied by the said churchwardens and overseers, or one of them, by warrant from any two such justices of peace, or mayor, alderman, or head officer of city, town or place corporate respectively within their several limits, by distress and sale thereof, as aforesaid, or in defect thereof, it shall be lawful for any two such justices of peace, and the said alderman and head officers within their several limits, to commit the offender to the said prison, there to remain without bail or mainprise till the said forfeitures shall be satisfied and paid.

The justices shall rate every parish to a weekly sum.

XII. And be it further enacted by the authority aforesaid, That the justices of peace of every county or place corporate, or the more part of them, in their general sessions to be holden next after the feast of *Easter* next, and so yearly as often as they shall think meet, shall rate every parish to such a weekly sum of money as they shall think convenient; so as no parish be rated above the sum of sixpence, nor under the sum of a halfpenny, weekly to be paid, and so as the total sum of such taxation of the parishes

(33) This excludes the justices of the county; St. Mary Taunt. 1 Bott. 274; but in Franchises not having four justices, the appeal may be to the sessions of the county; St. 17 Geo. II. c. 38, s. 5.

No. I. 43 Elizabeth, c. 2.

in every county amount not above the rate of two-pence for every parish within the said county: Which sums so taxed shall be yearly assessed by the agreement of the parishioners within themselves, or in default thereof, by the churchwardens and petty constables of the same parish, or the more part of them: Or in default of their agreement, by the order of such justice or justices of the peace as shall dwell in the same parish, or (if none be there dwelling) in the parts next adjoining.

The penalty for refusing to pay money taxed.

XIII. And if any person shall refuse or neglect to pay any such portion of money so taxed, it shall be lawful for the said churchwardens and constables, or any of them, or in their default for any justice of peace of the said limit, to levy the same by distress and sale of the goods of the party so refusing or neglecting, rendering to the party the overplus: And in default of such distress, it shall be lawful to any justice of that limit to commit such person to the said prison, there to abide without bail or mainprise till he have paid the same.

Relief for the prisoners of the King's Bench, Marshalsea, Hospitals.

XIV. And be it also enacted, That the said justices of peace at their general quarter sessions to be holden at the time of such taxation, shall set down what competent sums of money shall be sent quarterly out of every county or place corporate, for the relief of the poor prisoners of the King's Bench and Marshalsea, and also of such hospitals and alms-houses as shall be in the said county, and what sums of money shall be sent to every one of the said hospitals and alms-houses, so as there be sent out of every county yearly twenty shillings at the least, to each of the said prisons of the King's Bench and Marshalsea; which sums rateably to be assessed upon every parish, the churchwardens of every parish shall truly collect and pay over to the high constables, in whose division such parish shall be situate, from time to time, quarterly, ten days before the end of every quarter; and every such constable at every such quarter-sessions in such county, shall pay over the same to two such treasurers, or to one of them, as shall be by the more part of the justices of peace of the county elected to be the said treasurers, to be chosen by the justices of peace of the said county, city or town, or place corporate, or of others which were sessed and taxed at five pounds lands, or ten pounds goods at the least, at the tax of subsidy next before the time of the said election to be made; and the said treasurers, so elected to continue for the space of one whole year in their office, and then to give up their charge, with a due account of their receipts and disbursements at the quarter sessions to be holden next after the feast of *Easter* in every year, to such others as shall from year to year, in form aforesaid, successively be elected treasurers for the said county, city, town or place corporate; which said treasurers, or one of them, shall pay over the same to the Lord Chief Justice of *England*, and Knight Marshal for the time being, equally to be divided to the use aforesaid, taking their acquittance for the same, or in default of the said chief justice, to the next antientest justice of the King's Bench, as aforesaid: And if any churchwarden or high constable, or his executors or administrators, shall fail to make payment in form above specified, then every churchwarden, his executors, or administrators, so offending shall forfeit for every time the sum of ten shillings; and every high constable, his executors or administrators, shall forfeit for every time the sum of twenty shillings: the same forfeitures, together with the sums behind, to be levied by the said treasurer and treasurers by way of distress and sale of the goods as aforesaid, in form aforesaid, and by them to be employed towards the charitable uses comprised in this Act.

Treasurers.

Lord Chief Justice of England, Knight Marshal.

The forfeiture of the churchwardens or high constables offending.

How the surplusage shall be bestowed.

XV. And be it further enacted, That all the surplusage of money which shall be remaining in the said stock of any county, shall by discretion of the more part of the justices of peace in their quarter sessions, be ordered, distributed and bestowed for the relief of the poor hospitals of that county, and of those that shall sustain losses by fire, water, the sea, or other casualties, and to such other charitable purposes, for the relief of the poor, as to the more part of the said justices of peace shall seem convenient.

The penalty for refusing to be treasurer, to give relief, or account.

XVI. And be it further enacted, That if any treasurer elected shall wilfully refuse to take upon him the said office of treasurership, or refuse to distribute and give relief or to account, according to such form as shall be appointed by the more part of the said justices of peace, that then it

No. I. 43 Elizabeth, c. 2.

shall be lawful for the justices of peace in their quarter sessions, or in their default, for the justices of assize, at their assizes to be holden in the same county, to fine the same treasurer by their discretion; the same fine not to be under three pounds, and to be levied by sale of his goods, and to be prosecuted by any two of the said justices of peace whom they shall authorise. Provided always, That this Act shall not take effect until the feast of *Easter* next.

This Act to take effect at Easter.

XVII. And be it enacted, That the statute made in the nine and thirtieth year of her Majesty's reign, intituled, *An Act for the relief of the Poor*, shall continue and stand in force until the feast of *Easter* next; and that all taxations heretofore imposed and not paid, nor that shall be paid before the feast of *Easter* next, and that all taxes hereafter before the said feast to be taxed by virtue of the said former Act, which shall not be paid before the said feast of *Easter*, shall and may after the said feast of *Easter* be levied by the overseers and other persons in this Act respectively appointed to levy taxations, by distress, and by such warrant in every respect, as if they had been taxed and imposed by virtue of this Act, and were not paid.

For what time, and to what purpose the St. of 39 Eliz. c. 3, shall be put in execution.

XVIII. Provided always, That whereas the island of *Fowlness* in the county of *Essex*, being environed with the sea, and having a Chapel of Ease for the inhabitants thereof, and yet the said island is no parish, but the lands in the same are situated within divers parishes far distant from the said island; Be it therefore enacted by the authority aforesaid, That the said justices of peace shall nominate and appoint inhabitants within the said island, to be overseers for the poor people dwelling within the said island, and that both they the said justices and the said overseers shall have the same power and authority to all intents, considerations and purposes for the execution of the parts and articles of this Act, and shall be subject to the same pains and forfeitures, and likewise that the inhabitants and occupiers of lands there shall be liable and chargeable to the same payments, charges, expences, and orders, in such manner and form as if the same island were a parish: In consideration whereof, neither the said inhabitants or occupiers of land within the said island, shall not be compelled to contribute towards the relief of the poor of these parishes wherein their houses or lands which they occupy within the said island are situated, for or by reason of their said habitations or occupyings, other than for the relief of the poor people within the said island, neither yet shall the other inhabitants of the parishes wherein such houses or lands are situated, be compelled, by reason of their resiancy or dwelling, to contribute to the relief of the poor inhabitants within the said island.

The island of Fowlness in Essex.

XIX. And be it further enacted, That if any action of trespass or other suit shall happen to be attempted and brought against any person or persons, for taking of any distress, making of any sale, or any other thing doing, by authority of this present Act, the defendant or defendants in any such action or suit shall and may either plead not guilty, or otherwise make avowry, cognisance or justification for the taking of the said distresses, making of sale, or other thing doing by virtue of this Act, alleging in such avowry, cognisance or justification, that the said distress, sale, trespass or other thing, whereof the plaintiff or plaintiffs complained, was done by authority of this Act, and according to the tenor, purport and effect of this Act, without any expressing or rehearsal of any other matter or circumstance contained in this present Act: To which avowry, cognisance or justification, the plaintiff shall be admitted to reply, That the defendant did take the said distress, made the said sale, or did any other act or trespass supposed in his declaration, of his own wrong, without any such cause alleged by the said defendant; whereupon the issue in every such action shall be joined, to be tried by verdict of twelve men, and not otherwise, as is accustomed in other personal actions: And upon the trial of that issue the whole matter to be given on both parties in evidence, according to the very truth of the same; and after such issue tried for the defendant, or nonsuit of the plaintiff after appearance, the same defendant to recover treble damages, by reason of his wrongful vexation in that behalf, with his costs also in that part sustained, and that to be assessed by the same jury, or writ to enquire of the damages, as the same shall require.

The defendant's plea in a suit commenced against him against this Statute.

Treble damage for the defendant, and his costs.

XX. Provided always, that this Act shall endure no longer than to the end of the next Session of Parliament. [3 Car. 1. c. 4. continued until the end of the first Session of the next Parliament, and further continued by 16 Car. 1. c. 4.]

No. I
43 Elizabeth, c. 2.

[No. II.] 13 and 14 Charles II. c. 12.—An Act for the better relief of the Poor of this Kingdom.

No. II.
13 and 14 Charles II. c. 12.

'WHEREAS the necessity, number, and continual increase of the poor, not only within the cities of *London* and *Westminster*, with the 'liberties of each of them, but also through the whole kingdom of *England*, 'and dominion of *Wales*, is very great and exceeding burthensome, being 'occasioned by reason of some defects in the law concerning the settling 'of the poor, and for want of a due provision of the regulations of relief 'and employment in such parishes or places where they are legally settled 'which doth enforce many to turn incorrigible rogues, and others to perish 'for want, together with the neglect of the faithful execution of such laws 'and statutes as have formerly been made for the apprehending of rogues 'and vagabonds, and for the good of the poor:' For remedy whereof, and for the preventing the perishing of any of the poor, whether young or old, for want of such supplies as are necessary, may it please your most excellent Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the authority of the same, That whereas by reason of some defects in the law, poor people are not restrained from going from one parish to another, and therefore do endeavour to settle themselves in those parishes where there is the best stock, the largest commons or wastes to build cottages, and the most woods for them to burn and destroy, and when they have consumed it, then to another parish, and at last become rogues and vagabonds, to the great discouragement of parishes to provide stocks, where it is liable to be devoured by strangers; be it therefore enacted, by the authority aforesaid, That it shall and may be lawful, upon complaint made by the churchwardens or overseers of the poor of any parish, to any justice of peace, within forty days after any such person or persons coming so to settle (1) as aforesaid, in any tenement under the yearly value of ten pounds, for any two justices of the peace, whereof one to be of the *Quorum*, of the division where any person or persons that are likely to be (2) chargeable to the parish shall come to inhabit, by their warrant to remove and convey such person or persons to such parish where he or they were last legally settled, either as a native, householder, sojourner, apprentice or servant, for the space of forty days at the least (3), unless he or they give sufficient security for the discharge of the said parish to be allowed by the said justices.

The occasion of increase of poor. 43 Eliz. c. 2.

Poor people going from one parish to another.

How to be settled, coming to any tenement under ten pounds yearly value. Altered and explained by 1 Jac. 2. c. 17. sect. 3. 3 & 4 W. & M. c. 11. sect. 5.

II. Provided always, that all such persons who think themselves aggrieved by any such judgment of the said two justices, may appeal to the justices of the peace of the said county at their next Quarter Sessions, who are hereby required to do them justice according to the merits of their cause.

Persons aggrieved may appeal to the Quarter Sessions.

III. Provided also, That (this Act notwithstanding) it shall and may be lawful for any person or persons to go into any county, parish or place, to work in time of harvest, or at any time to work at any other work, so that he or they carry with him or them a certificate from the Minister of the parish and one of the churchwardens and one of the overseers for the

Persons going to work in Harvest.

(1) A person receiving an accident, which requires parochial relief, at a place where he was casually working, is not a person coming to settle, so that he can be removed; St. James's, in Bury St. Edmunds, 10 E. 25.

Secus as to a person referred backwards and forwards for relief from one parish to another, and who would have been starved if she had not received temporary relief from the one or the other; Birmingham, 14 E. 251.

(2) See Stat. 33 Geo. III. c. 101. post., by which persons are not liable to be removed until actually chargeable.

(3) For the law of settlements, see Note at the end of the Act.

No. II. 13 and 14 Charles II. c. 12.

poor for the said year, that he or they have a dwelling-house or place in which he or they inhabit, and hath left wife and children, or some of them there, (or otherwise as the condition of the persons shall require,) and is declared an inhabitant or inhabitants there: And in such case, if the person or persons shall not return to the place aforesaid, when his or their work is finished, or shall fall sick or impotent whilst he or they are in the said work, it shall not be accounted a settlement in the cases abovesaid, but that it shall and may be lawful for two justices of the peace to convey the said person or persons to the place of his or their habitation as aforesaid, under the pains and penalties in this Act prescribed: And if such person or persons shall refuse to go, or shall not remain in such parish where they ought to be settled as aforesaid, but shall return of his own accord to the parish from whence he was removed, it shall and may be lawful for any justice of the peace of the city, county, or town corporate where the said offence shall be committed, to send such person or persons offending to the house of correction, there to be punished as a vagabond, or to a public work-house, in this present Act hereafter mentioned, there to be employed in work or labour; and if the churchwardens and overseers of the poor of the parish to which he or they shall be removed, refuse to receive such person or persons, and to provide work for them, as other inhabitants of the parish, any justice of peace of that division may and shall thereupon bind any such officer or officers in whom there shall be default, to the assizes or sessions, there to be indicted for his or their contempt in that behalf.

Corporations or workhouses in the cities of London and Westminster, Middlesex, Surrey, (4).

IV. And for the further redress of the mischiefs intended to be hereby remedied, Be it enacted by the authority aforesaid, That from thenceforth there be, and shall be, one or more corporation or corporations, work-house or work-houses, within the cities of *London* and *Westminster*, and within the boroughs, towns and places of the county of *Middlesex* and *Surrey*, situate, lying and being within the parishes mentioned in the weekly bills of mortality, consisting of a president, a deputy to the president, and a treasurer; and that the Lord Mayor of the city of *London* for the time being be president of the corporation or corporations, work-house or work-houses within the said city, and the assistants to be the aldermen of the said city of *London* for the time being, and fifty-two other citizens to be chosen by the common council of the said city: And that the said president and assistants, or the major part of them, shall and may elect a deputy president and treasurer, and all other necessary officers hereby constituted and authorized to execute the powers and offices by this Act appointed: And that upon the vacancy by death or otherwise of any assistant, the power to elect in their rooms be in the said common council; and the election of the deputy president or treasurer, and all other officers, in the said president and major part of the assistants as aforesaid: And that a president, a deputy president, a treasurer and assistants be nominated and appointed by the Lord Chancellor, or Lord Keeper of the Great Seal of *England*, for the time being, out of the most fit persons inhabiting in the city of *Westminster*, or the liberties thereof, for the corporation or corporations, work-house or work-houses within the same.

President, deputypresident, treasurer and assistants for Middlesex and Surrey, how to be elected.

V. And for the said places within the weekly bills of mortality in the said counties of *Middlesex* and *Surrey* respectively, there shall be elected and chosen, by the major part of the justices of the peace for the said counties in their respective quarter sessions assembled, out of the most able and honest inhabitants and freeholders of every of the said counties of *Middlesex* and *Surrey* respectively, a president, a deputy president, a treasurer and assistants for the corporation or corporations, work-house or work-houses, of the places aforesaid in *Middlesex* and *Surrey*; and that upon the vacancy, by death or otherwise, of any of the presidents, deputy presidents, treasurers or assistants in the city of *Westminster*, and places aforesaid in *Middlesex* and *Surrey*, the power to elect others in their rooms be

City of Westminster.

(4) I am not aware that this part of the statute has been ever acted upon.

No. II. 13 and 14 Charles II. c. 12.

in the major part of the respective justices of peace, who in their general quarter-sessions from time to time shall accordingly supply such vacant places; and that at every quarter-sessions they shall require and take an account in writing of all the receipts, charges and disbursements of the officers and treasurer of such corporation or corporations, work-house or work-houses, how and how many poor people have been employed and set to work in the year last past, and what stock there was and is remaining; which president, deputy president, and treasurer for the time being respectively, shall for ever hereafter, in name and fact, be bodies politick and corporate in law, to all intents and purposes, and shall have a perpetual succession, and may sue or plead, or be sued and impleaded, by the name of the president and governors for the poor of the respective places aforementioned, and in all courts and places of judicature within this kingdom, and the dominion of *Wales*, and the town of *Berwick-upon-Tweed*; and by that name every of the said corporations shall and may, without licence in *Mortmain*, purchase or receive any lands, tenements or hereditaments, not exceeding the yearly value of three thousand pounds *per annum*, of the gift, alienation or devise of any person or persons, who are hereby without further licence enabled to give the same, and any goods, chattels or sums of money whatsoever, to the use, intent and purposes hereafter limited and appointed; and that each respective corporation, or any seven of them, shall have hereby power and authority from time to time to meet and keep courts for the ends and purposes in this Act expressed, at such time and place as shall be appointed by the said president, his deputy, or the treasurer, who are hereby required, upon the desire of any four of the said corporation, at any time to cause a court to be warned accordingly, and shall have hereby authority from time to time to make and appoint a common seal for the use of the said corporation.

The powers of the said president and governors of the said corporations.

VI. And it is further enacted by the authority aforesaid, That it shall and may be lawful to and for the said president and governors of the said corporations for the time being, or any two of them, or to or for any person authorized and appointed by them, or any two of them, from time to time to apprehend, or cause to be apprehended, any rogues, vagrants, sturdy beggars, or idle or disorderly persons within the said cities and liberties, places, divisions and precincts, and to cause them to be kept and set to work in the several and respective corporations or work-houses; and it shall and may be lawful for the major part of the justices of peace in their quarter-sessions, to signify unto his Majesty's privy council the names of such rogues, vagabonds, idle and disorderly persons and sturdy beggars, as they shall think fit to be transported to the *English* plantations: and upon the approbation of his Majesty's privy council to the said justices of peace signified, which persons shall be transported, it shall and may be lawful for any two or more of the justices of the peace them to transport or cause to be transported from time to time, during the space of three years next ensuing the end of this present Session of Parliament, to any of the *English* plantations beyond the seas, there to be disposed in the usual way of servants, for a term not exceeding seven years.

A stock for supply of the work, how to be provided in London, Westminster, Middlesex, Surrey.

VII. And be it further enacted by the authority aforesaid, That if the president and governors of any of the said corporations shall certify under their common seal, their want and defect either of a present stock for the foundation of the work, or for supply thereof for the future, and what sum or sums of money they shall think fit for the same, to the common council of the said city of *London*, and the burgesses and justices of peace in their quarter-sessions of the said city of *Westminster* and the liberties thereof, or the justices of the respective counties of *Middlesex* and *Surrey* assembled in either quarter-sessions; That thereupon the common council of the said city of *London*, the burgesses of the said city of *Westminster*, and the justices of peace of the said cities and counties in their quarter-sessions assembled are hereby required from time to time to set down and ascertain such competent sum and sums of money for the purposes aforesaid, not exceeding one year's rate from time to time usually set upon any person for or towards the relief of the poor, and the same to proportion out upon the several wards, precincts, counties, divisions, hundreds, and pa-

No. II. 13 and 14 Charles II. c. 12.

rishes, as they shall think fit: And thereupon the aldermen, deputies, and common councilmen of every ward in the city of *London*, and burgesses and justices of the peace of the city of *Westminster* and the liberties thereof, and justices of the peace of the said counties of *Middlesex* and *Surrey*, shall have power and authority, and are hereby required, equally and indifferently, according to the proportions appointed as aforesaid, for the several wards, precincts, cities and parishes as aforesaid, to tax and rate the several inhabitants within the said respective wards, precincts and parishes, as well within liberties as without: With which tax, if any person or persons find him or themselves aggrieved, supposing the same to be unequal, he or they shall and may make their complaint known to the justices of the peace at the next open sessions, who shall take such final order therein as in like cases is already by the law provided.

VIII. And it is further enacted by the authority aforesaid, That it shall and may be lawful to and for any alderman of the city of *London*, or his deputy, or the burgesses and justices of peace of the city of *Westminster* and the liberties thereof, or any two or more of them, or any two justices of peace of the respective counties of *Middlesex* and *Surrey*, by their warrant under their hands and seals, to authorize the churchwardens or overseers for the poor within the places and parishes aforesaid, to demand, gather and receive of every person and persons, such sum and sums of money as shall be assessed upon them by the virtue of the taxations and contributions aforesaid; and for default of payment within ten days after demand thereof made, or notice in writing left at the dwelling-house or lodging of every person so assessed, to levy the same by distress and sale of the goods of every such person, and after satisfaction made, to restore the surplusage to the party so distrained.

Stocks formerly in London for the relief of the poor, how to be paid.

IX. And be it enacted by the authority aforesaid, That all stocks raised for the relief and imployment of the poor in the city of *London* and liberties thereof, which was in the hands of a corporation heretofore appointed in the said city for that service, or in the hands of any other person or persons whatsoever, before the nine and twentieth day of *September*, which was in the year of our Lord one thousand six hundred and sixty, commonly called the feast of St. *Michael* the archangel, or at any time since, together with all the arrears of money formerly allotted for that service, or legacies given to the same end, shall be payable to the treasurer of the corporation or corporations, work-house or work-houses, to be established by this present Act, who are hereby authorized and impowered, by themselves or their officers thereunto by them deputed, to collect, gather, receive and recover the said money and legacies, which shall be due and in arrear as aforesaid; with which said arrears, and every part and parcel thereof, the corporation and corporations aforesaid by this Act made, constituted and established, is and shall be hereby invested and interested for the execution of the service hereby enjoined them: And all those that have had or now have any of the said stocks in their or any of their hands, shall be accountable to the said treasurer, or to those that shall be appointed by the said corporation or corporations, or any seven or more of them, to take the said account.

X. Provided always, and be it enacted by the authority aforesaid, That there shall be a full allowance of all just and necessary expences, which have been laid out by the said former corporation for the relief of the said poor, and the carrying on of the said service since the time before expressed.

Power to make orders and bye-laws.

XI. And it is further enacted by the authority aforesaid, That the respective president and governors, or any seven of them, shall have power from time to time to make and constitute orders and bye-laws for the better relieving, regulating and setting the poor to work, and the apprehending and punishing of rogues, vagabonds and beggars, within the cities, liberties, and places aforesaid, that have not wherewith to maintain themselves, and for other the matters aforesaid.

XII. Provided the said orders and bye-laws shall from time to time be presented to the justices of peace in their quarter-sessions assembled, to be allowed by the major part of them, and confirmed by order of the said court.

XIII. And it is further enacted by the authority aforesaid, That the president and governors of any the said corporation or corporations, work-house or work-houses, or any fourteen or more of them, being assembled together, shall have hereby power to chuse and entertain all such officers and others as shall be needful to be imployed in and about the premises, and them or any of them from time to time to remove as they shall see cause, and upon the death or removal of them, or any them, to chuse others in their places for the carrying on of the work, and to make and ive such reasonable allowances unto them or any of them, out of the stock and revenue belonging to the said corporation or work-house, as they shall think fit.

Power to chuse and entertain officers.

XIV. And it is further enacted by the authority aforesaid, That all sheriffs, bailiffs, constables, and all other officers and ministers of justice shall be aiding and assisting to the said corporation or corporations, and to all such officers as shall be imployed by them, or any of them, in the execution or performance of the said service.

All sheriffs, &c. to be assisting to the said corporation, and their officers.

XV. 'And whereas the laws and statutes for the apprehending of rogues 'and vagabonds, have not been duly executed, sometimes for want of 'officers, by reason lords of manors do not keep court-leets every year for 'the making of them;' Be it therefore enacted by the authority aforesaid, That in case any constable, headborough or tithingman shall die or go out of the parish, any two justices of the peace may make and swear a new constable, headborough or tithingman, until the said lord shall hold a court or until next quarter-sessions, who shall approve of the said officers so made and sworn as aforesaid, or appoint others as they shall think fit: And if any officer shall continue above a year in his or their office, that then in such case the justices of peace in their quarter-sessions may discharge such officers, and may put another fit person in his or their place until the lord of the said manor shall hold a court as aforesaid.

Constables, how made, in default of holding court-leets.

XVI. 'And whereas for want of some encouragement to such person or 'persons as shall apprehend rogues, vagabonds, and sturdy beggars, the 'statutes made in the nine and thirtieth year of Queen *Elizabeth*, and first 'year of King *James*, in which statutes the constable, headborough or 'tithingman of every parish that shall not apprehend such rogues, vagabonds 'and sturdy beggars, which shall pass through or be found in their said pa-'rish unapprehended, such constable, headborough, or tithingman, shall 'forfeit as in the said statutes is expressed, are not duly executed;' Be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for any justice of the peace, to whom any rogue, vagabond or sturdy beggars so apprehended shall be brought, to reward any person or persons that shall apprehend any rogue, vagabond or sturdy beggar, by granting unto such person or persons an order or warrant under his hand and seal to the constable, headborough or tithingman of such parish where such rogue, vagabond or sturdy beggar passed through unapprehended, requiring him to pay such person or persons the sum of two shillings for every rogue, vagabond or sturdy beggar which shall be so apprehended: And if such constable, headborough or tithingman, refuse or neglect to pay the two shillings as aforesaid, that then the said justices of peace, or any other justice or justices of peace, shall proceed against any such constable, headborough or tithingman, according to the said statutes, and to compel him to pay such sum of money as he hath forfeited by the statute of the first year of King *James* aforesaid, and to allow out of the said forfeiture the said two shillings, and such reasonable means and allowances for loss of time as they shall think fit.

Apprehending rogues and vagabonds (5).
39 Eliz. c. 4.
1 Jac. 1. c. 7.

How rewarded.

XVII. And if any person or persons shall apprehend any rogue, vagabond, or sturdy beggar, at the confines of any county which passed through any parish of another county unapprehended, it shall be lawful for such person or persons to go to some justice of peace of that county through which such rogue, vagabond or sturdy beggar passed unapprehended, who is hereby required (upon a certificate under the hand of some justice of

Rogues and vagabonds, apprehended at the confines of any county, how to be dealt withal.

(5) See Title *Vagrants*, post.

No. II. 13 and 14 Charles II. c. 12.

peace of the county where such rogue, vagabond or sturdy beggar was so apprehended) to grant his order or warrant under his hand and seal, requiring the said constable, headborough or tithingman, to pay unto such person or persons as aforesaid the sum of two shillings, which if he shall refuse or neglect to do, then such justice is hereby required to proceed against such constable, headborough, or tithingman, and to cause him to pay ten shillings, or so much thereof, for his expences and loss of time, as the said justice of peace shall think fit, to such person or persons, which he hath forfeited by the statute aforesaid, made in the nine and thirtieth year of the Queen.

XVIII. 'And whereas constables, headboroughs or tithingmen, are or 'may be at a great charge in relieving, conveying with passes, and in carrying rogues, vagabonds and sturdy beggars to houses of correction, or the 'workhouses herein-mentioned, and as yet have no power by law to make 'rates to reimburse themselves:' Be it therefore enacted by the authority aforesaid, That all constables, headboroughs and tithingmen, so out of purse as aforesaid, together with the churchwardens and overseers of the poor and other inhabitants of the said parish, shall hereby have power and authority to make an indifferent rate, and to tax all the occupiers of lands and inhabitants, and all other persons chargeable by the statute of the three and fortieth of *Elizabeth* concerning the office and duty of overseers for the poor within the said parish; which rate being confirmed under the hands and seals of any two justices of the peace as aforesaid, the said constable, headborough or tithingman, shall have power, by warrant under the hands and seals of two justices of peace, to levy by distress and sale of the goods of any person or persons refusing to pay the same, rendering the overplus to the owner, if any shall be.

Power to make rates.

43 Eliz. c. 2.

XIX. 'And whereas the putative fathers and lewd mothers of bastard 'children run away out of the parish, and sometimes out of the county, 'and leave the said bastard children upon the charge of the parish where 'they are born, although such putative father and mother have estates suffi-'cient to discharge such parish;' Be it therefore enacted by the authority aforesaid, That it shall and may be lawful for the churchwardens and overseers for the poor of such parish where any bastard child shall be born, to take and seize so much of the goods and chattels, and to receive so much of the annual rents and profits of the lands of such putative father or lewd mother, as shall be ordered by any two justices of peace as aforesaid, for or towards the discharge of the parish, to be confirmed at the sessions, for the bringing up and providing for such bastard child: And thereupon it shall be lawful for the sessions to make an order for the churchwardens or overseers for the poor of such parish, to dispose of the goods by sale or otherwise, or so much of them for the purposes aforesaid as the Court shall think fit, and to receive the rents and profits, or so much of them as shall be ordered by the sessions as aforesaid, of his or her lands.

Putative Fathers of bastard children, running away, how to be proceeded against.

XX. And if any person or persons shall be sued for any matter or thing which he shall do in execution of this Act, he may plead the general issue and give the special matter in evidence: and if the verdict shall pass for the defendant, or if the plaintiff be nonsuited or discontinue his suit, the defendant shall recover treble damages.

Persons sued for matters in this Act may plead the general issue.

XXI. 'Whereas the inhabitants of the counties of *Lancashire, Cheshire,* '*Derbyshire, Yorkshire, Northumberland,* the bishoprick of *Durham, Cum-'berland,* and *Westmoreland,* and many other counties in *England* and '*Wales,* by reason of the largeness of the parishes within the same, have not 'nor cannot reap the benefit of the Act of Parliament made in the three 'and fortieth year of the reign of the late Queen *Elizabeth* for relief of the 'poor;' Therefore be it enacted by the authority aforesaid, That all and every the poor, needy, impotent and lame person or persons within every township or village within the several counties as aforesaid (6), shall from and after the passing of this Act, be maintained, kept, provided for, and set on work, within the several and respective township and village wherein

Lancashire, Cheshire, Derbyshire, Northumberland, Durham, Cumberland, Westmorland.

43 Eliz. c. 2.

(6) The Act extends to other counties besides those particularly named.

No. II.
13 and 14. Charles II. c. 12.

he, she, or they shall inhabit, or wherein he, she, or they was or were last lawfully settled, according to the intent and meaning of this Act; and that there shall be yearly chosen and appointed, according to the rules and directions of the said Act of the three and fortieth year of Queen *Elizabeth*, mentioned, two or more overseers of the poor within every of the said townships (7) or villages, who shall from time to time do, perform and execute all and every the Acts, powers, and authorities for the necessary relief of the poor within the said township or village (8), and shall lose, forfeit, and suffer all such pains and penalties for non-performance thereof, as is limited, mentioned, and appointed in and by the said in part recited Act.

XXII. And be it further enacted by the authority aforesaid, That the justices of peace within the said counties shall have and enjoy such and the like powers and authorities to raise and levy monies, and to do and execute all and every such other act and thing whatsoever, within every township or village within the said county where they are justices, as is given, limited, and appointed unto and for them to do and execute within any parish or parishes, in and by the said Act made in the said three and fortieth year of the said late Queen *Elizabeth*, under such and the like pains and

43 Eliz. c. 2.

(7) Unless it appears that the parish cannot have the benefit of the statute of Elizabeth, this provision cannot be applied, notwithstanding an acquiescence for any number of years; Justices of Middlesex, Bott. 17; Peart *v.* Westgarth, 3 Bur. 1610; Uttoxeter, Doug. 332; Cald. 84; Peeding, Cald. 90. Where two of eight townships had always had separate overseers, and six overseers had been appointed for the other six, and upon affidavits in other respects shewing, that the parish could not have the benefit of the statute of Elizabeth, the Court of R. B. granted a mandamus to appoint overseers of one of the townships: and per Buller J. "We must consider what is meant by the *benefit* of the statute. It is that the parish may maintain their poor *as a parish;* for unless they can do it *as such*, they cannot have the benefit of the statute. Now, it is stated that two of the townships maintain their own poor; but unless they all join, they cannot have the benefit of the statute;" Sir Watts Horton, 1 T. R. 374. Where a township had always, from the time of 13 Ch. II. maintained its poor separately, the sessions, on the appeal of the township, quashed a rate upon the whole parish; and the order of sessions was confirmed. And per Buller: "The statute does not mean, that it is absolutely impossible for them to maintain their own poor as a parish, but that it is inconvenient so to do. I even go further, for though it should appear that a parish had enjoyed the benefit of the statute of Elizabeth, yet if they could not now conveniently maintain their own poor jointly, we would permit them to divide themselves; provided there be such legal divisions as are capable of maintaining their own poor separately;" Leigh, 3 T. R. 746. A rate upon the entire parish was confirmed, although from the year 1648 separate overseers had been appointed, and the rates separately raised, but applied jointly, in definite proportions, to defray the whole expense; it not being found by the sessions that the townships could not have the benefit of the statute of Elizabeth; which (per Ashurst) should have been found as a fact one way or the other; Newell, 4 T. R. 266. Where townships had previously to 1773 maintained their poor separately, and then by agreement united, and so continued for thirty years, upon an action for distraining for a rate on the entire parish, the jury found for the defendant; and the court refused a new trial, because it was the jury's province to shew whether the parish, under the circumstances, could have the benefit of the statute of Elizabeth, and there was no evidence to shew that they could not, opposed to the usage for thirty years of their actually enjoying it; Lane *v.* Cobham, 7 E. 1. And upon an application for a mandamus to appoint separate overseers for the townships in the same parish, which was the subject of the preceding case, the court held that it was competent to cease acting under the statute of Charles, and to recur to the provisions of 43 Elizabeth, in the same manner as the varying state of the parishes might make the provisions of the statute of Charles necessary, in respect to future cases; and that the question was subject to the discretion of the court upon an application for a mandamus; Palmer, 8 E. 416.

Upon appeal to the sessions, the fact ought to be found that the parish can or cannot have the benefit of the statute of Elizabeth (agreeably to the opinion above cited of Ashurst J.); Watson, 7 E. 214.

(8) The place must be a township or vill, or reputed to be such; Showler *v.* Alter, 3 Bur. 1391; Justices of Bedfordshire, Cald. 167. Wherever there is a constable, there is a township: there may be a constable for a larger district, but not for a smaller; Sir Watts Horton, 1 T. R. 374. The precincts of a cathedral, in which the poor had been maintained by funds of the dean and chapter, and for which there was no constable, is no vill; Peterborough, Cald. 238. An appointment for a hamlet shall be intended to be for a vill; Morris, 4 T. R. 550.

No. II. 13 and 14 Charles II. c. 12.

penalties for the non-performance of their duties, to be levied and disposed of as is nominated and expressed in the said Act.

Power of the justices to transport rogues and vagabonds.

XXIII. Provided always, and be it enacted by the authority aforesaid That it shall and may be lawful for the justices of peace in any of the counties of *England* and *Wales*, in their quarter-sessions assembled, or the major part of them, to transport or cause to be transported such rogues, vagabonds and sturdy beggars, as shall be duly convicted and adjudged to be incorrigible, to any of the *English* plantations beyond the Seas.

Proviso for the dean and chapter of Westminster.

XXIV. Provided also, That neither this Act nor any thing therein contained shall extend to be, or be construed, expounded or taken, to the prejudice or infringement of any of the franchises, rights, liberties, or privileges heretofore granted by the Kings and Queens of this realm, his Majesty's royal predecessors, to the dean and chapter of the collegiate church of St. *Peter* in *Westminster*,

The continuance of divers parts of this Act.

XXV. Provided always, That this Act, as to all the matters therein contained, (excepting what relates unto the corporations mentioned and constituted thereby) shall extend and be in force until the nine and twentieth day of *May* one thousand six hundred and sixty-five, and the end of the first session of the next Parliament then next ensuing, and no longer. [Made perpetual by 12 Annæ, stat. 1. c. 18. § 1. See 17 Geo. 2. c. 5.]

OF SETTLEMENTS AND REMOVALS.

The law of settlements is perhaps one of the strongest instances which can be cited of numerous ramifications and distinctions, of which a very few apparently plain and simple propositions may be susceptible. A full and enlarged view of this subject is taken in several respectable publications, sufficiently familiar to the profession; but I conceive the most useful and satisfactory is that which is contained in Burn, to the later editions of which, however, it may reasonably be stated as an objection, that they retain at full length a great number of cases, some of which establish upon discussion points which may now be regarded as first principles of the subject, and others of which have long been over-ruled, and are become completely obsolete.

In the compressed view of the subject which is consistent with the compass of a note, I shall take for granted, without any citation of authorities, those leading rules and principles which are so familiar, that no person in the course of practice would think it necessary to adduce any authority in support of them; referring only by name to those cases which may require a more particular attention. This is the more admissible, as the authorities, through the medium of the publications above alluded to, are of such perfect facility of access; and in order to promote that facility still further, I shall adopt the arrangement of the last edition of the work already mentioned.

It should always be remembered as a preliminary consideration, that the system is primarily founded upon the modifications of the original and subsisting statute of the 43d. Eliz. c. 2. (ante No. 1.) which provides relief for the persons therein enumerated, and who may be designated generally as *the poor*.

Under this statute relief was to be applied to persons who were the objects of it, by the parish in which they might happen to be; but, for the reasons stated in the statute 13 & 14 Ch. II. c. 12., it was enacted, that within forty days after any poor person coming to settle in any tenement under 10*l.* a-year, they might be removed to the place where they were last legally settled, for the space of forty days at the least, either as a native householder, sojourner, apprentice, or servant.

The term of forty days was, by subsequent statutes of 1 Jac. II. c. 17. s. 3. 3 and 4 W. and M. c. 11. restrained to cases of a notice being given in writing, and published in the church, subject to certain qualifications contained in the latter statute, which should render such notice unnecessary, and which, being accompanied with the primary quality of a residence of forty days prescribed by the statute of Charles, should be considered as equivalent. To the several Acts and qualifications so introduced, together with the circumstance mentioned in the statute of Charles, of occupying a tenement of the yearly value of 10*l.* the courts of law applied the term *gaining a settlement*, and have superadded by analogy, real or supposed, other cases, to which a similar effect should be given.

The expression just referred to, of *gaining a settlement*, is a striking illustration of the power of language over opinions; for although nothing is more obvious to the slightest attention, than that the advantage of a settlement in one parish or another, must, as regards the object of it, depend upon collateral and accidental circumstances, the change of settlement was regarded as an advantage, and a reward for some meritorious conduct; and in consequence of that impression, every ingenuity has been exercised to construe the statutes in such a manner as that parties should not be deprived of the benefit which they had such an interest to acquire; and although the fallacy of the opinion is now pretty generally admitted, the effect of it upon the system of law still continues to operate, and very rightly so, in supporting a construction, the original justice and propriety of which, in many instances, was at least extremely dubious. In all cases where no parish can be found to which a removal can be made under the authority of the statute of Charles, the original obligation upon the parish where the party may happen to be, still continues.

Settlements are either original or derivative; the first arising either by birth or the several qualifications introduced by statute, to which the courts of law have added the ownership of an estate; the second consisting of the settlement which a wife derives from the husband, by which her own previous settlement is destroyed, and that which children derive from their parents, until they have acquired a settlement of their own.

In all the cases included in the first division, except that of birth, the primary qualification of the statute of Charles, a residence of forty days is indispensibly requisite; and the effect of this qualification upon the settlement, when there has been a variety or succession of residences, depends upon the place of passing the last night during the continuance of the character or relation from which the settlement is derived, accompanied by a preceding residence to the amount of thirty-nine nights in the whole, and without any reference to the interval which may have elapsed between the last night and any of the preceding ones; but in the case of a servant, the party must have passed these forty nights in the compass of a year; Denham, 1 M. and S. 221: see post. title *Apprenticeship*, as to what shall be deemed the last night.

The language of most of the cases is, that the settlement is where the party *sleeps* the last night, but in the case of Ringwood, 1 M. and S. 381., it was held that the rule was satisfied by passing the last night in packing up goods, without going to bed, and that what will satisfy *pernoctavit* is sufficient.

Previous to the statute of 35 Geo. III. c. 101., a poor person was liable to be removed, as being likely to be chargeable. As might therefore naturally be expected, no cases occur of settlement by notice in writing, as such notice would immediately, wherever it was practicable, have been followed by a removal: but this statute having confined the power of removal to the case of persons actually chargeable, it likewise abolished the settlement by notice, which would have enabled any person to choose a settlement at his pleasure.

Certain restrictions upon the power of removal, and also of the power of acquiring a settlement, were introduced in the case of certificates, which the last-mentioned statute has rendered comparatively unimportant, but which will be duly noticed.

Section I.—Settlement by Birth.

Settlement by birth is divided into the two cases of bastards and legitimate children; in each case birth is a fact which must be proved in the same manner as any other, by positive or circumstantial evidence: reputation or hearsay is not admissible evidence upon the subject; Erith, 8 East, 539.

A. Bastards.

Bastards are necessarily settled where born, except in the cases of

1. Fraud. As when the mother is persuaded by the parish in which she is settled, to go to lie-in in another; but this exception does not apply where she is persuaded to leave a parish in which she is not settled; Masters *v.* Child, 3 Salk. 66.
2. A Bastard born after an order of removal, and before the mother can be removed.
3. ——— during the suspension of a removal, by virtue of statute 35 Geo. III. c. 101.
4. ——— in removing.
5. ——— after removal upon an order which is reversed.

6. A BASTARD BORN when the mother is in a state of vagrancy; 17 Geo. II. c. 5. s. 25.
7. ——————— is in prison.
8. ——————— in the house of industry of an incorporated district; 20 Geo. III. c. 36.
9. When the mother is protected from removal, as a member of a friendly society; 33 Geo. III. c. 54. s. 25.

[Query, whether this exception can now apply; the statute 33 G. protects members of friendly societies from being removed until actually chargeable. The statute 35 Geo. III. c. 101. protects all persons in general from being removed until actually chargeable, and declares that a single woman, being with child, shall be deemed actually chargeable; and it is clear that no persons are protected from removal by the former statute, who are subject to it by the latter; vid. ante. Title *Friendly Societies*.]

10. ——————— when the mother is in a lying-in hospital; or
11. ——————— comes with a certificate expressly acknowledging her to be pregnant.

But that exception does not extend to a child born at a subsequent period; Mathon, 7 T. R. 362.

In all the above cases the settlement is with the mother, except that with respect to the 5th, it seems to be in the removing parish.

When the mother, by desire of the overseers of the parish to which she belonged, went in search of the person by whom she was with child, and was unexpectedly delivered in another parish, there being no fraud, the settlement follows the birth; Astley, 2 Bott. 10.

B. Legitimate children

A legitimate child, if neither the father or mother have a settlement which is known, is settled at the place of birth.

It is said, Dalt. 168, Comb. 364, 372, that a child must be sent to where it was first known to be, if no other settlement is known; but this seems very doubtful, and I have never known it acted upon.

SECTION II.—SETTLEMENT BY PARENTAGE.

A legitimate child follows the settlement of its father, or if none such is known, that of its mother, and continues to follow the change of such settlement, except in the case of the mother acquiring a new settlement by a second marriage, until emancipation.

Emancipation is the term (borrowed with some impropriety from the civil law) applied to children who no longer follow the settlement of their parents. The cases of it, as enumerated by Lord Kenyon, have always been decided on the circumstances, either

1. Of the son's being 21; or
2. Married; or
3. Having gained a settlement in his own right; or
4. Having contracted a relation inconsistent with the idea of being in a subordinate situation in his father's family.

1. The mere attaining 21 is not an emancipation; but if after the age of pupilage a child sever himself from his father's family, he cannot afterwards be incorporated with it. In the principal cases the pauper was emancipated by going out for eight weeks as a wet-nurse; Roach, 6 T. R. 247. A daughter who, at the age of eleven, went with her father's consent to live with a relation, and continued with him until after twenty-one, was held to be thereby emancipated; Cowhoneyburne, 10 E. 88.

2. Marriage is universally an emancipation, notwithstanding a continued residence with the parents; Everton, 1 East, 526.

3. In the case of a person under age, there is no emancipation by an apprenticeship under a void indenture, a hiring and service for a year to a certificated person, or other act of a similar nature, unless a settlement is actually gained; Edgeworth, 3 T. R. 254; Wilton, 3 T. R. 355; Collingburn Ducis, 4 T. R. 199.

4. Inlisting as a soldier: but Q. in case the party returns when under age; which case does not appear ever to have been decided: and see the case of Roach, suprà 1.

Conformably with the above principles, a child is not emancipated by

1. Following business on his own account; continuing to live with his mother; Sowerby, 2 East, 276.
2. Serving in the militia; Woburn, 8 T. R. 479.

3. Working about the country on his own account; Halifax *v.* Warley, B. S. C. 806.

4. Residing under age with a relation or other person; Tottington Lower End, Cald. 284; Offchurch, 3 T. R. 114.

Section III.—Marriage.

A wife in all cases takes her husband's settlement. If the husband has no settlement, or such settlement is unknown, the wife's original settlement continues. Birth, or any other settlement of the wife in any parish, throws the onus probandi of the husband's settlement in some other specific place on such parish.

N. B. There is a series of cases in Burn as to the evidence of birth, legitimacy, bastardy, and marriage; but the evidence of those facts is not different as applied to settlements, from what it is in other cases wherein they may come in question.

Section IV.—Hiring and Service.

By 1, 3 and 4 W. and M. c. 11, § 7, if any unmarried person, not having a child, shall be lawfully hired into any parish for one year, such service shall be a settlement; 8 and 9 W. c. 30. No such person shall be deemed to have a settlement, unless such person shall continue and abide in the same service during one whole year.

I. *The Hiring.*

A. Of hirings by which settlement may be gained.

A.
Hirings, &c.

1. Widower.

2. Man whose wife dies after he is hired, subject to approbation, and before approbation given; Back Newton, B. S. C. 455.

1. Unmarried persons.

3. Marrying between the contract of hiring and commencement of the service, although the intention of marriage is known at the time; Allendale, 3 T. R. 382.

Dub. ibid, if there is a fraudulent intention of evading the statute.

A service under a yearly hiring cannot be tacked to a preceding service, if the party at the time of the yearly hiring is married; St. Giles, Calder, 54.

Not having children.

2. Not having children.

1. An emancipated child does not prevent the settlement.

2. A hiring by a child, under which a settlement is afterwards gained, is not for this purpose an emancipation; New Forest, 5 T. R. 478.

Hiring *may be* with a father.

3. Of a legal hiring.

No. 1. By parish officers sending a poor person to a man to do what work is required, they paying an allowance; Rickingball, 7 E. 373.

2. By guardians of an incorporated district authorized to bind apprentices, allotting to an inhabitant of one of the parishes; the pauper not being consulted, but conceiving himself obliged to accept the services; Stowmarket, 9 East, 211.

But after a general hiring between the pauper and the master, a subsequent agreement with the overseer for providing the pauper with clothes (the master refusing to keep him without such agreement) does not annul the contract.

3. By a deserter, who cannot be lawfully hired; Norton, 9 East, 206.

4. By a person under an indenture of apprenticeship; as to which see post. title *Apprenticeship*.

5. By an imperfect contract of apprenticeship; for which see also post. *Apprenticeship*.

For a Year.

B.
Hiring for a year.

1. May be inferred by the sessions from a person being seen in service as an ostler, or in husbandry, for above year; St. James's Pool *v.* Holy Trinity; Wareham, Cald. 141; Lyth, 5 T. R. 327. Continuing in service after a hiring for less than a year; Hales, 5 T. R. 668; Long Walton, 5 T. R. 447.

1. May be inferred from service.

A General Hiring.

1. Hiring to serve in husbandry for meat, lodging, clothes, &c.; Wincaunton *v.* Crediton, B. S. C. 299.

2. A general hiring.

2. "Go into Ned Hill's place: you shall want no encouragement." Hill had been a yearly servant; Hindley *v.* Berwick, B. S. C. 502.

(a) In what cases such hiring takes place.

3. A asked B if he wanted a boot catcher and driver: B answered, Yes; and bid him go into the yard and look after the horses. Nothing else passed: Basingstoke *v.* Stockbridge, B. S. C. 750.

4. A journeyman barber, to receive Christmas boxes instead of wages; Mangitsfield *v.* Bulheaston, B. S. C. 823.

5. A father applied to his daughter, then serving S, to do the offices of a servant for board and lodging, and what she could make by keeping fowls, and her own labour; and if that was less than what she then got from S, he would make up the difference; Thorpe *v.* Chertsey, 2 T. R. 37.

6. "You may as well stay on an end," after a hiring for eleven months; Macclesfield, 3 T. R. 506.

7. To take care of a child for meat and clothes; Worfield, 5 T. R. 506.

The sessions should find the hiring for a year, or not, as a fact; Dict. ibid.

In all these cases, the circumstance of a party being at liberty to live where he will makes no difference.

(b) In what not.

1. The living with a relation, or other person, for charity or otherwise, without any contract; Gregory Stoke *v.* Pitminster, 2 Bott. 183; Corfe Castle *v.* Weyhill, B. S. C. 49; Rickinghall Inferior, 7 E. 373.

2. The pauper had gone when a boy to live with his uncle as a relation, and *not under any hiring*. After living with him seven years, and being employed in husbandry, they parted, and the pauper hired himself as a servant; subsequently to which, the uncle applied to the pauper to come and live with him *as before*. Lord Kenyon said, that this excluded the idea of a hiring for a year; and the order was quashed: Stokesley, 6 T. R. 575.

[But surely this was cutting very fine; and *as before* might reasonably mean to do the like work, and be kept with clothes, &c. and did not necessarily refer to the manner of originally entering into the uncle's family.]

3. Upon a hiring to work by the piece; St. Peters *v.* Holy Trinity, Dorchester, B. S. B. 513.

4. At weekly wages; Newton Toney, 2 T. R. 453; Pucklechurch, 5 E. 382.

5. Weekly wages summer and winter, accompanied by the servant demanding, and the master paying, additional wages within the year; Bedfield *v.* Dedham, B. S. C. 653. Weekly wages, so long as both parties could agree; Mitcham, 1 E. 351.

Although the service continues six years; Hanbury, 2 East, 423.

Except under special circumstances, as 3*s.* a week the year round, to be at liberty at a fortnight's notice; not to leave at harvest; Birdbrooke, 4 T. R. 245.

At weekly wages, with liberty of parting on a month's notice; Hampreston, 5 T. R. 205.

3. Express hirings.

1. A settlement is gained by a hiring at a statute fair, from Whitsuntide to Whitsuntide, though less than 365 days; Newstead *v.* Holy Island, B. S. C. 669.

(a) With respect to time.

2. From the day after M till M, both days are included, and there is no fraction; Beadlam *v.* Skiplam, 1 T. R. 490.

3. To serve eleven months and give one; Lord Mansfield, "The question is, whether eleven and one make twelve;" Milwich *v.* Coryton, B. S. C. 433.

NOT upon a hiring.

1. At a statute fair, from Monday following Michaelmas day (Saturday) till M.; the custom being to hold the fair the day after Michaelmas, except when on a Sunday; Standon Massey, 10 E. 576.

2. From 13th October to Old Michaelmas, 11th October; although, being leap year, there were 365 days; Ashley, 3 T. R. 250.

3. Successive hirings of eleven months.

(b) hirings at weekly wages, by the piece, &c.

An express hiring *for the year* at weekly wages, or good earn good hire, is sufficient.

(c) Conditional hiring.

A conditional hiring.

To go a month or a quarter upon liking, and if liked, to have 5*l.* a year wages.

For a year, with liberty to part at a month's notice.

(d) Retrospective hirings.

Not a retrospective hiring, by

Entering into a service, and afterwards agreeing to serve a year, to be computed from the time of such entry.

[Upon cases of this kind it may often deserve consideration, whether the circumstances under which the party enters into the service

would not amount to a general hiring, so as to give a settlement, if nothing afterwards passed; in which case it would seem, that an agreement, which was no otherwise retrospective than as it affected the wages to be paid, and which are not essential to the hiring, would not defeat the hiring that was previously complete.]

The hiring is not sufficient where there is an exception from the contract.

(e) Of exceptions out of time.

1. Of the harvest month.

2. To be absent during the sheep-shearing a month, but to find a man at his own expense to do his work during his absence; Denham, 1 M. and S. 221.

3. Or a week every year, on a hiring for four years; Rushulme, 10 East, 325.

4. To have two days to receive a pension; Over, 1 E. 599.

5. Where it is agreed to work certain hours a day on week days; Macclesfield *v.* Sutton, B. S. C. 458.

6. To work shearman's hours only; Buckland Denham *v.* Mells, B. S. C. 694.

7. To serve for seven years, and work on certain hours, (Sundays excepted;) Kingswinford, 4 T. R. 219.

But if the contract be absolute, the not working on Sundays does not prevent the settlement; St. Agnes *v.* Redruth, B. S. C. 671.

So, though the custom is to do only a certain quantity of work a week, and not to interfere with Sundays; Howick, 10 E. 489.

The settlement is not prevented if a militia man stipulates to be absent if called out, which is only what would have been implied, and the master must have consented to; Winchcomb *v.* Chipping Norton, Doug. 376.

[But Q. Whether this does not shew that the party was incapable of contracting for a year, rather than that he did so contract.]

II. *The Service.*

A. Service for a year.

Must continue a year.

The settlement is where the party spends the last night, provided he has slept there forty nights in the whole, in any one year of the service.

Forty nights in different years are not sufficient; Denham, 1 M. and S. 221.

B. Of service under different hirings.

But if there is a hiring for less than a year, and another hiring for a year, and a continued service of a year in the whole, it is sufficient.

This is founded upon the construction (apparently not very reasonable) of stat. 8 and 9 W. c. 30, which directs that no settlement shall be gained, unless the party shall continue *in the same service.*

Under statute 3 and 4 W. the settlement under a hiring for a year might, as in other cases, have been gained by a service of forty days.

It is not necessary that there should be a service of forty days under the yearly hiring; Adsen, 5 T. R. 98.

I. The services are sufficiently connected.

1. Although there is a difference of wages, as where the first wages are by the week and the second by the year.

2. When there is a hiring for a definite time, a continuance for some days, and a hiring for a year.

3. Although the services are dissimilar, as a husbandman and house servant; Sutton, 1 E. 656; contrary to former opinions.

4. Although there is an actual separation if the second contract is entered into on the same day; Grendon *v.* Underwood, 2 Bott. 264; Fifehead *v.* West, Stower, B. S. C. 116; Popham *v.* Ellisfield, Cald. 4.

5. Although the yearly hiring precedes the other; Grendon *v.* Underwood, 2 Bott. 264.

II. They cannot be connected.

1. If there has been a separation and an interval of more than a day; Caverswall *v.* Fentham, B. S. C. 461.

The case of a hiring the succeeding day does not seem to have occurred.

2. If the servant is married at the time of the yearly hiring; Monk Sherborne *v.* St. Giles, Reading, Cald. 54.

3. If the servant after a yearly hiring marries, and then makes a fresh contract for a year; dissentiente Lord Kenyon: per Lawrence—"The ser-

vice for the last forty days must be performed under a contract of hiring, entered into when the pauper was unmarried;" Great Chilton, 5 T. R. 672.

C. Service with another person.

The service may be
With another person by the master's direction;
With the executor of the master;
With his widow and family; Hindhorn with Newton, 12 E. 51.
The relation must not be dissolved, but there may be a dispensation of service.

D. Of absence from the service.

I. There is an implied dispensation,
1. Where the servant absents himself, and is afterwards received again, which is called purging the absence.
2. Where the servant does not come until after the time appointed, and is received.
3. If the servant runs away, and, after several weeks, is apprehended under a warrant, and received back with an abatement of wages; East Sheffield, 4 T. R. 804.

II. There is not such dispensation.
If the servant, before the commencement of the service, is taken ill, the master refuses to receive him as incapable, and the servant agrees to take such wages as he will allow; Wintersett, Cald. 298.
An absence by reason of illness does not prevent the settlement, although the servant does not return, and is incapable of returning, to his master, as where he became a lunatic, and was taken to his father's; Sutton, 5 T. R. 657.

[Per Lord Kenyon—The settlement is where he was last in the service; but this point does not arise in the case, and the other judges gave no opinion on it.—Ruled to be so in case of apprenticeship; Barmby in the Marsh, 7 E. 383.

Although there is a deduction of wages; Maddington *v.* Wilford, Cald. 48.
Nor a commitment to the house of correction on the complaint of the master, for an offence in his service, the servant returning after his liberation, and staying to the end of the year: wages were deducted for the time he was in confinement; Barton upon Irwell, 2 M. and S. 329.
But a servant apprehended on a charge of bastardy a few days before the end of his year, a deduction being made from his wages, and never returning, does not gain a settlement; Hartley *v.* Westmeon, Cald. 129.

E. Dismissal.

A dismissal for a reasonable cause, as of a female servant for being with child, is a dissolution of the contract, and defeats the settlement; Ashover *v.* Brampton, Cald. 11.

But there is no dissolution,
1. If the master before the end of the year turns the servant out of doors, to prevent his gaining a settlement; Eastland *v.* Westhorsley, 1 Str. 526.
2. Where the master refused to allow the servant to return, after an absence for a reasonable cause; Gresham, 1 T. R. 101.
3. When the master, a short time before the end of the year, for an insufficient cause turned away the servant, who was willing to stay, and returned the next day for her clothes, and received the wages offered to her as the full amount of what she was entitled to as a year's wages, but less than she demanded, (there being a dispute as to the amount) and offered to stay to the end of the year; Hardhorn with Newton, 12 E. 51.

F. Cases of express dissolution and dispensation.

Cases of Dissolution and Dispensation by express Agreement.

These are very numerous and seemingly very irreconcileable.—In the case of Thistleton, 6 T. R. 185, Lord Kenyon laid down the principle as follows:—"If the pauper be absent from the service with the concurrence, remaining, however, subject to the controul of his master, he may acquire a settlement, because this only amounts to a dispensation with his service; but if the master has once parted with his controul over the servant, there no settlement is gained, and the receiving the whole year's wages does not make any difference."

The application of this plain and distinct principle will certainly overturn many of the cases, in which it has been held that there was only a dispensation.
In some of the later cases, however, cited infrà, and which have been decided since the preparing this note, the Court of B. R. has given full effect to the application of the principle, in opposition to the finding of the sessions.—See particularly Rex *v.* Bury, infrà. II. 11.

Cases of dispensation. I. Dispensation.

1. The master told his servants he was going to leave L.; he did not know when, but they might look out for services or stay with him till he went: he went, and the servant hired elsewhere; St. Faith *v.* St. Bartholomew, Cald. 48.

2. A few days before the end of the year the master became bankrupt; the mistress discharged the servant, paying her whole year's wages; St. Andrews, Holborn, 2 T. R.

3. A criminal information being laid against the master, he quitted his house, told his servants that he had no longer any occasion for their services, and paid the whole year's wages; St. Mary, Lambeth, 8 T. R. 236.

4. The day the pauper was hired, but the contract being complete, the master said, "You shall go away a fortnight at M. (the end of the year) because of your settlement, and I will give you that fortnight to get what you can;" to which the pauper agreed; Sulgrave, 2 T. R. 326.

5. The day before the end of the year the servant desired the master to discharge him, as he wished to pass that day with his friends; the master consented, deducting 6*d.* for the day's wages; Potter Higham *v.* Ludham, B. S. C. 740.

6. Eight days before the end of the term, upon some difference, the servant gave her mistress warning that she would quit her service at the end of the term; the mistress, on having hired another servant, discharged her, and paid her the full wages, which she accepted, and quitted the service; but said, she would have served the year if her mistress would have let her; St. Philip, Birmingham, 2 T. R. 624.

7. The servant, ten days before the end of the year, told his master he wished not to be settled in K., and asked leave to go and visit his relations, to which the master consented; B. S. C. 565.

8. Five weeks before the end of the year, the P. with his mistress's leave parted with her, and went to work at K. She paid his whole year's wages, from which he voluntarily deducted what he had earned at K.; Kislingbury Nether *v.* Hyford, B. S. C. 479.

Is it possible to suppose, after what took place in most of the above cases, that the law would have supported the master in asserting a controul over the servant, and prosecuting him for refusing to submit to such controul?

II. Cases of dissolution. II. Dissolution.

1. A servant, nine days before the end of the year, went away on a Sunday morning to get another place; he returned on the Tuesday, and wished to stay, but his master would not let him; Clayhydon, 4 T. R. 100.

2. The master kicked the servant; she complained to her father, and required the master to dismiss her, threatening to apply to a magistrate; the master paid the whole wages, told her she might serve the remainder of the year, which she refused; Apwell, 7 T. R. 438.

3. The master dismissed the servant; she applied to a magistrate, and was desirous of continuing in the service; the magistrate told the master he must take her back, or pay her the whole of her wages: after receiving her whole wages, she offered herself as a servant to several persons; King's Pyon, 4 E. 351.—"Both parties gave the magistrate a power of dissolving the contract, by shewing their assent to what he directed."—And by Lord Ellenborough—

> "It seems to me, that when the parties stand in such a situation, that neither the master can compel the servant to come back to his service, nor the servant can compel the master to take him back, and neither of them has any legal means of compelling redress against the other, there is a dissolution of the contract."

4. The pauper being too ill to do his work, the master paid him his whole year's wages, when he left his master's service and went to a hospital; Sadbroke, 4 E. 356.

5. The panper came for her wages to her mistress, who paid her the whole year's wages, but told her she wanted a week of serving out the year [the commencement of the service was a point in the case]; the pauper said she was willing to stay out another week, but the mistress replied it did not signify, as she had got another servant in her place, who was then in the house; the pauper left, and never returned; Rashall, 7 E. 471.

6. The master, upon the servant returning from a fair, refused (under circumstances not material to be stated) to receive him; a magistrate directed the master to receive him, or pay the whole year's wages, deducting 2s. 6d.;

the pauper hired himself to another person, and afterwards the master paid the whole without deduction; Leigh, 7 East, 539.

7. The pauper asked the master to let him go: he said he could not spare him; he must get a new servant first. Sometime after he hired a new servant, and said "I have got a new servant—you may go now;" and paid his whole wages; Thistleton, 6. T. R. 185.

8. The servant being ill, sent his mother for his money and his clothes, which the master gave, deducting one shilling for the remainder of the year; Whittlebury, 6 T. R. 464.

9. The pauper neglecting his business and not behaving as he ought, had a dispute with his master, and asked him to discharge him: the master answered that he would not, unless he would get another in his stead. The pauper did get another, and paid him a sum beyond his wages, out of his own pocket, and hired himself a day labourer. There was conflicting evidence as to the master having said, that if the other man did not suit him, he would make the pauper serve his time out. The sessions had found the case to be a dissolution, and in effect discredited the pauper's evidence as to such conversation; Mildenhall, 12 E. 432.

10. Two days before the end of the year (the servant being married on that day) the master consented to the servant leaving his service, and paid him the whole year's wages: the servant hired himself next day to another master. The sessions had found the case to be a dissolution. Le Blanc J. held that they would have been warranted in finding a dissolution: the other Judges held it a dissolution, not relying on the sessions having found it to be such. Lord Ellenborough—"I should have been sorry, in any case, to have originated the question of dispensation, but it has been established to a certain extent, and so far let it stand; but I will not extend it further."—"*The master consented to his servant leaving:* I know not in what stronger terms a servant could plead to an action for leaving service. Then, though the opinion of the parties is not to be pressed, their acts are material."—"It would, I think, be contravening the clear commands of the legislature, if we did not hold this a dissolution;" Maidstone, 12 E. 550.

11. The master sold his stock, paid off and discharged the pauper and his other servants, paying them their full wages, and told them they might go where they liked.

> Per Lord Ellenborough—"We take it that the sessions did hold this to be a dispensation, but then the question arises, why they did so? What is to be the end of this doctrine of dispensation if it is to be carried thus far? Where indeed the relation of master and servant continues, but the master foregoes the benefit of actual service for a part of the time, that has been held a dispensation; but here is every thing that can be predicated of a dissolution. I cannot but say that I am sorry for some of the cases upon this subject, which have erected such an absurd system. I think that not only the decision of the sessions in this case is unreasonable, but that several of the cases on which it professes to stand are unreasonable also;" Bray, 3 M. and S. 20.

A. Of the binding.

Section V.—Of Apprenticeship.

To constitute a contract of apprenticeship there must necessarily be a deed, and according to stat. 5 Elizabeth, it should be an indenture; but by 31 Geo. II. c. 11. the being indented is unnecessary so far as regards the question of settlement.

By statutes 8 Anne, c. 9. and 9 Anne, c. 21. a duty of 6*d.* in the pound for 50*l.* or under, and of 12*d.* for every pound above, of money, or other things not money, according to their value, is imposed on indentures of apprenticeship, except money given with parish apprentices, or by or out of public charities.

Many cases arose upon the point, whether the duty was payable in case of a covenant by the father or other relation to maintain the apprentice, which were decided upon their particular circumstances, and the general question was as much as possible avoided, until the case of Leighton, 4 T. R. 732, in which it was decided that no such duty is payable; the opinion of the court being, upon a full consideration of the subject, that the obligation of providing for apprentices did not result from the mere relation of master and apprentice.

An agreement by the apprentice to allow two shillings a week out of wages to be paid by the master, does not require a stamp; Bradford, 1 M. and S. 151.

A voluntary annual subscription for putting out children apprentices is a public charity; also money left by will; Clifton, B. S. C. 697.

It is not necessary that a parish indenture should be executed either by the master or the apprentice.

An indenture of apprenticeship of an audit, not executed by him, is void; Roper, 9 East, 295.

An execution by the master, in cases of private indentures, does not seem to be essential: no execution by the master was proved in the case of Ribchester, 2 M. and S. 135; and the only point contested was as to what place the last night of service should be referred to.

The length of time for which the apprentice is bound is immaterial.

In the case of a parish indenture, the indenture must be executed by the major part of the churchwardens and overseers.—See as to this subject stat. 43. Eliz. c. 2. ante No. 1. note 23. See also Title *Apprentices*, No. 14. 15.

Such an indenture must be allowed by two justices of the peace. Their allowance at different times is not valid; but if he who has already signed is present at and privy to the signature of the other, it is sufficient; Winwick, 8 T. R. 445.

When the justices having refused to allow a binding, and the overseer with the pauper and his mother retired to an inn, and there the pauper with the consent of his mother bound himself to the same person, and the overseer paid the premium before agreed upon, it was ruled that the binding was valid, and that the sessions were not warranted in finding it fraudulent; Kilby, 2 M. and S. 501.

B.

Of the rule, that a defective apprenticeship cannot endure as a service,

The great subject of litigation in modern cases has been the principle, that a contract intended as an apprenticeship, and imperfect as such, shall not endure as a service.

This first occurred in Salford *v.* Storeford, 2 Bott. 363, where the instrument which purported to be an indenture of apprenticeship was not stamped; and several other cases of a similar nature occurred previous to the case of Little Bolton, Cald. 367, in which the pauper asked the master to teach him to weave; the master agreed to do so if he would work with him three years, the earnings to be divided between them, and an agreement in writing was entered into accordingly. The court first thought that this was an apprenticeship, as the pauper was to be taught; but afterwards Lord Mansfield said, upon looking into the authorities, that all those cases of apprenticeship which had been holden to be defective, and were not convertible into services, spoke of the pauper as an apprentice, and that he was to serve as such.

In the case of Highnam, 2 Bott. 371, which immediately followed, the pauper went for the purpose of being an apprentice, and paid four guineas; but, *to save the expense of the indenture and duty*, they agreed to sign an agreement on unstamped paper: it was held to be clear that a fraud was intended, and therefore that no settlement was gained by service.

Subsequent to this, a pauper agreed to serve seven years *as an apprentice*, but no agreement was signed, and it was held not to be a service; Margram, 5 E. 193.

The pauper clubbed with the master, which was to be taught a trade, to serve three years at progressive wages; he was *to do any work the master set him about*; and this was ruled to be a service. Lord Kenyon thought the last fact decisive; Coltishall, 5 T. R. 195.

Thus stood the authorities upon the subject previous to the case of Laindon, 8 T. R. 379; and it seemed to be considered as a settled point, than an agreement to serve on the one hand and to instruct on the other was to be regarded as a valid service, and not as an imperfect apprenticeship, unless the express agreement was that the party should serve as an apprentice, or unless there was an actual intention of defrauding the revenue by the evasion of the stamp duty.

But in the case of Laindon, there being a written agreement that the pauper should serve for three years, to learn a trade at certain wages, with a proof by parol that at the time of signing the agreement the pauper agreed to give three guineas as a premium, which sum was partly paid, and partly allowed in the amount of wages, and that he was not to be employed in any other work than that of a carpenter; the contract was held to be invalid as an imperfect apprenticeship.—The following is the material part of Lord Kenyon's judgment upon the subject.

"When it is urged that this relation can only be found by using the term *apprentice*, it may be observed that the argument would lead to an absurd

consequence; for then, if the word *clerk* were used in regular indentures of apprenticeship, the clerk would not gain a settlement by serving under the indenture, merely because he was not retained *eo nomine* as an apprentice. But it would be a disgrace to our laws if we were obliged to decide according to words without considering their meaning. It was properly said by Lord Hardwicke, that *there is no magic in words* §; and he said this, not as a discovery just then made by him, but as a maxim which was handed down to him from his predecessors. If the relation of master and servant is created by the contract of the parties, though they do not use the very words tantamount, it is sufficient. In this case a premium was paid by one man to another, who engaged to teach him a trade: now, what is that but an apprenticeship? The term *apprentice* is from the French word *apprendre*—to learn. Unfortunately, Lord Mansfield did not adhere to his first opinion in the case of Little Bolton: but even when he gave his second opinion in that case, he took it for granted that the rule remained unshaken, but if the parties intended to create the relation of master and apprentice, and it were not legally created, so that the apprentice could not gain a settlement as such, he could not acquire a settlement as a yearly servant. And in the subsequent case of Highnam, Lord M. adopted the opinion he had first given in the case of Little Bolton, conformably to all the other cases. Therefore we may rely upon this last case, and if it be not distinguishable from that of Little Bolton, it is sufficient to say that it is subsequent to it, and that the case of Little Bolton is an anomalous case. Where we find the current of authorities one way, I should be sorry that a little inadvertence in the court in the decision of one case only should be supposed to break in upon the general rule; for the case of Coltishall is distinguishable from this class of cases; there, by the agreement of the parties, the pauper was to do any work the master set him about: and I think that we should do infinite mischief if we were to overturn that which has long been a settled rule."—Mr. J. Lawrence, after expressing his opinion to the same effect, observed, that "it was much to be lamented that settlement cases should be determined on nice distinctions; it would be better to decide them on some general rule, that every person who reads can understand it."

§ See infra, N. * *.

In the subsequent case of Rainham, 1 E. 531, an agreement by deed for one party to teach and the other to learn, with certain wages, was held to give a settlement by apprenticeship: but the question between service and apprenticeship in that case did not precisely occur, for there was a service of more than a year; therefore, *quacunque via, &c.*, if the service had been less than a year, the distinction would have been material.

This case was soon followed up by that of Eccleston, 2 E. 230, in which the contract was in the precise terms of the case of Little Bolton, and the settlement was held to be gained by service; Lord Ellenborough declaring that he gave a reluctant assent to the case of Little Bolton, but as the case was in terms the same, he thought it better to abide by that determination than to introduce uncertainty into that branch of the law; it being often of more importance to have the rule settled than to determine what it should be. He was not, however, convinced by the reasoning of that case, and if the point were new he should think otherwise. After stating the reasons upon which he concurred with Lord K. his lordship added, "however, as Lord K. did not think proper to over-rule the case of L. B. in terms, and as it was not over-ruled in the case of Highnam or Rainham, for the reason he at first gave, he thought it better to concur in that decision, however unwilling he should have been to have done so in the first instance."

And lastly, in the case of Shinfield, 14 E. 541, the pauper, after hiring for a year, during the continuance of that year signed an agreement with the same master, to serve him for three years, to learn him to make brick, on condition of the master finding him meat and clothes. The mother of the pauper proved that the master had asked her if she had any objections to her son being apprenticed to him; and she said no. It was ruled that a settlement was acquired by service: the case was decided upon a *quacunque via*; for, that, if the second contract was invalid, there was nothing to do away the former contract of hiring for a year. But three of the judges expressly stated their opinion, that the second contract was a contract of service. Lord Ellenborough said, that with respect to the case of Little Bolton, the court in the case of Eccleston considered it a subsisting authority, whatever question there might have been upon the subject at first; and he thought the convenience of the thing was in support of it, M. J. Le Blanc, upon the authorities of the written instrument itself:—"I do not think that it is to be taken as a contract of apprenticeship. In all the former cases where the

instrument in question has been so construed, it has been stated that the parties intended to contract in the relation of master and apprentice, only they had contracted informally in order to avoid the stamp duties; but here the contract is for L. to serve P. to learn the trade; P. finding him in board, &c. There is no contract for the Master to teach him, but only for the boy to have the opportunity of learning the business."

[It would be very dangerous from this doctrine to draw any incidental inferences as to the want of obligation of a party contracting under similar terms; for the real intention of the parties, that the pauper should be taught by the master, is sufficiently apparent; and whenever that is the case, the obligation attaches to carry such intention into execution, however informally it may have been expressed.]

[Since writing the preceding part of this note, it has been decided in R. *v.* Burbach, 1 M. and S. 370, that an agreement made by the father with a frame-work knitter, and assented to by the son, that the son should work for two years, and have what he got, paying a weekly sum for learning the business, and for the use and standing of a frame, was a service and not an imperfect apprenticeship.]

Upon the whole view of this subject, which, in the course of my observation of the practice of the quarter-sessions, has produced more litigation than any other, (although the cow tenements are bidding fair to rival it), it may, as I conceive, be now fairly inferred, that a contract for the one party to serve, and for the other to teach a trade, is a contract of service, and not a defective apprenticeship, unless (after all the railing at the King and Little Bolton) the term apprentice is actually mentioned in the contract; or unless a premium* is given for the instruction; in which cases the contract is void, unless invested with all the requisites of a valid apprenticeship.

* The statute 9 Anne, c. 9. imposes the duty on all sums paid in relation to any clerk, apprentice or *servants*, to learn any profession, trade or employment.

*** [The maxim that *there is no magic in words*, which is often pronounced with such imposing solemnity, has always appeared to me to have more sound than meaning.

I apprehend that there is no word which has so absolute and technical a sense that it may not be qualified and controuled by the context and the nature of the subject to which it is applied: although there are many cases in the law, in which certain technical words are essentially necessary to produce a certain legal effect, and many others in which the usual import affixed to a particular expression can only be controuled by matter of absolute and necessary inference to the contrary; and whoever has contemplated with general views our cumbrous mass of cases upon the construction of wills, must be satisfied of the advantage to the community in lessening litigation, and giving certainty to titles by adhering to known and precise rules of construction, in preference to wandering into the regions of conjecture in search of an intention as deduced from expressions, which the party who used them in all probability never dreamed of, as indicating the intention inferred from them; especially as the system adopted is neither purely technical, nor purely matter of construction upon the actual intention, but a kind of unmeaning and unsettled compound of the two. In matters of a positive nature, in which, upon principle, the preference of one course or another is *a priori* indifferent, the great criterion of excellence is clearness and certainty, and therefore in cases of this description, the more technical the course which is adopted, the more beneficial are in general the consequences. It is otherwise in matters when there is a principle of propriety arising out of the nature of the subject, in which the accidental forms of language should rather be considered as subordinate to the intention and purposes of the parties; particularly in the case of contracts, and in which a refusal to deviate from the strict and dictionary sense of the terms, in opposition to the unambiguous intention, is a violation of the superior principles of justice.

This has always most forcibly appeared to me to be the case with respect to the decision in Jones *v.* Brierly, 1 E. 1. in which it was held that an agreement to pay a per centage upon any MONEY which the defendant should receive, though the plaintiff's informa-

tion did not extend to the transfer of stock (stock not being money): for no fair and reasonable doubt could be entertained that in this contract the term MONEY was used as importing property. The court animadverted upon the immorality of the bargain in question, and probably gave a construction different from that which they would have done if the contract had been of a more favourable nature: but that objection should have gone for every thing or for nothing, and the case, though founded upon that decision, which, next to a mere opinion at Nisi Prius, is of all others the least satisfactory, the refusal upon sudden impulse to grant a rule to shew cause will hereafter stand recorded as a precedent in the way of any claim, however meritorious, resting upon a similarity of circumstances in point of expression. In the famous case of Haycraft *v.* Creasy, 2 E. 92. the defendant, who was charged with giving E. R. a false character, said he *knew* she was a lady of fortune: that he said so under a full impression that she was so, from facts which he regarded as conveying absolute knowledge, and by which he was himself deluded—was an admitted fact in the case: but Lord Kenyon, from the mere literal application of the word KNEW, would have fixed upon him the character of fraud; and it is well known that he felt great dissatisfaction with the other judges, who, fortunately for the true principles of justice, were of a different opinion.

In the case of Shinfield, (the last case in the text to which this note is attached: I am quite aware with how much digression) Mr. Justice Le Blanc adverts to the true ground upon which the class of cases under discussion originated; but from which, in the progress of the law, there has been a considerable deviation; and has shewn that it was merely a question of revenue, and arising from an intention to avoid the stamp laws.

At common law, a contract that one party shall serve another, who shall in return instruct him in the business, in which the service is to be performed, (which instruction is commonly the mere effect and consequence of the service) is in its nature as open and unexceptionable as any other of the numerous contracts which parties may enter into, with a view of mutual convenience. To such a contract, when invested with certain solemnities, the law has given the appellation of *apprenticeship*, attaching to the relation which is so contracted certain legal consequences; but because, in respect of the derivation of the term, it may be inferred that every contract of apprenticeship is a contract of service and instruction, it does not follow that every contract of service and instruction is an apprenticeship, so as to be void as a general contract at common law, unless invested with those special qualities which are attached by the law to the contract, technically denoted by that term; or that the incorrect insertion and admixture of such a term should vitiate the obligation that would otherwise have been effectually contracted between the parties. Nor can I conceive that if before the subject had received any prejudice from the decision upon cases of settlement, the question had arisen upon a case between the parties to the contract, the obligation which would otherwise have attached would by such an admixture have been defeated. In the law of real property, nothing is more familiar than that an instrument which cannot operate in the precise manner which its form and expressions would import, shall operate in such other manner as will, consistently with the rules of law, effectuate the intention of the parties; as in the case of a feoffment without livery operating as a bargain and sale, or a covenant to stand seised.

In Salford *v.* Storeford, the first and leading case upon the subject under discussion, the instrument had all the requisites of a deed except a stamp; and without any particular reference to the settlement law, there is no doubt that, as a general proposition, a deed which is defective for want of a stamp cannot be set up as an agreement. In the second case of Whitchurch *v.* Wotton Fitzpayne, B. S. C. 540, it was agreed that the party should be an apprentice, and that *indentures of apprenticeship should be executed*, so that the parties never had it in contemplation that

any relation should be contracted between them except that of a strict apprenticeship, which is very different from the cases where a complete and executed agreement was intended to be contracted, although expressed by an improper designation; but it is certain that the law has in subsequent cases, upon the mere supposed authority of these decisions, been carried, and is now established much further than the authority of the cases would necessarily require, or even fairly justify.]

The service.

There must be a service under the indenture for forty days, in the place where the settlement is claimed, and the settlement is where the party slept the last night, having been there forty days in the whole.

An apprentice leaving his master's house to sleep at his mother's, in a different parish, for the purpose of being cured of a disorder, continuing to be employed by his master, is settled in the parish where he sleeps; Stratford-upon-Avon, 11 E. 176.

But sleeping in a different parish where the apprentice is taken on account of illness, (doing no service for his master) is not a residence by which any settlement can be gained; Barmby in the Marsh, 7 E. 383; Scholefield, B. S. C. 511.

Where a master to whom an apprentice was assigned told the apprentice, a short time before the expiration of the term, that he must go and work elsewhere; and the apprentice slept a night in the parish where his first master lived, but did not see or apply to him, and had not any intention of doing so; it was held that that night could not be coupled with the former residence, so as to give a settlement; Smarsden, 13 E. 452.

C. Assignment.

If there be a service with a different person by assignment from the first master, it is sufficient: so an assignment from a second to a third, &c.

Assignment if in writing must be stamped as agreement; St. Paul's, Bedford, 6 T. R. 452. Evidence of verbal agreement not admitted if there be an agreement reduced to writing, S. C.

[There is no doubt of this point if it is all one transaction; but Q. if there is a complete verbal agreement, and a mere subsequent written one.]

A paper purporting to be an original binding as an apprentice by the master to I. S., not good as an assignment or a consent to serve; Christowe, 11 E. 95.

D. Service with another person by consent of the master.

So an assignment by or service with the widow of M. not having taken administration; East Bridgeford, B. S. C. 133; or with the executor, Ollerton *v.* Stricland, Doug. 69.

A service with another person by the consent of the master, or the person to whom the apprentice is assigned, is sufficient; but it must be actual and express consent to the particular service; mere knowledge of the particular service, or mere general consent to serve with any person, or the union of the two, is not sufficient. Upon this distinction there have been many cases.

I. What is a sufficient consent.

1. A hiring with another person as a servant upon the recommendation of the master; Fremington *v.* Sherwell, B. S. C. 416.

2. The master said to T. (the person to whom an apprentice, having gained leave to serve any other person, had hired himself)—"I find you have an apprentice of mine." T. "I do not know that I have." M. "J. D. is my apprentice: you are welcome to keep him as long as you please; I shall think no more of him;" Bradstone, 2 Bott. 422.

3. The pauper agreed to give a guinea to be liberated, the master to give a suit of clothes when the guinea was paid; neither of which was done. B. refused to hire without M.'s consent. P. applied to M. M. "You may go with all my heart: I think it will be a good thing." Shebbear, 1 East, 73.

4. P. having agreed to give M. two guineas for his time, and hired himself to S.—M. said during service with S., "You continue to work with S: I think it a good place, and hope you will continue in it;" Bradninch, Cald. 461.

5. P. turned away, (told she was no longer apprentice, and that the indentures were destroyed: which was true as to one part) hired as a yearly servant, and told M., who said she was glad of it; St. Mary, Lambeth, 2 Bott. 419.

6. M. declining business, informed P. he wished to get another master for his good; afterwards told him that he had heard that E. wanted a man, and

told him to go to E. and make an agreemeent with him for his good; Holy Trinity, in the Minories, 3 T. R. 605.

II. What not.

1. M. failing in business, told P. he might go where he pleased. P. afterwards told M. he was going to A.—M. "You may go then *when you please;*" Crediton, 1 E. 63.

2. M. consented that P. might do the best he could: P. was employed by J. S., who told M. that he had got P. at work; M. replied, "I am glad of it; he was a bad lad, and I could make nothing of him;" St. Helen, Stonegate, 1 E. 285.

Since Statute 32 Geo. III. c. 37, ante. Title APPRENTICES, No. 10, a settlement is not gained by a parish apprentice, who, by the consent of his mistress, during her life-time, lived with her son, and after her death with another person, by the son's consent; Sheepshead, 15 E. 59.

[I should have very much doubted whether this Act could properly affect a question of settlement, as the obligation of master and apprentice, at common law, wholly ceased by the death of the master; and the regulations of the Act have no direct reference to the question of settlements, with regard to which this relation was in preceding cases held to continue.]

E. Of dissolution or continuance of the contract.

While the indenture continues in force, no settlement can be gained with a third person by hiring or service.

If the apprentice is bound by his father, the apprenticeship cannot, while he is an infant, be put an end to by agreement between the master and apprentice, without the assent of his father, neither can a parish apprentice without the consent of the overseers; but an apprentice when of age, may, by agreement with the master, put an end to the apprenticeship without any consent.

If the master is dead, the apprentice is at liberty to hire himself without any consent from the master's representatives.

The bankruptcy of the master does not determine the apprenticeship.

In what cases the apprenticeship is dissolved.

1. An exchange or delivering up of the indentures without cancellation.

2. A sum of money was paid by the father to the master, who gave a receipt for it, as from the apprentice for the remainder of his time, and offered to give up the indentures, which the father did not take, not thinking it material; Harberton, 1 T. R. 139.

In what not.

1. P. agreed verbally with M. to give him ——— for the remainder of his time: it was agreed that M. should keep the indentures till the money was to be paid, which was to be from time to time, as P. could earn it; Shebbeare, 1 E. 73.

[The decision in this case was, that a settlement was gained by apprenticeship; there being a consent to the service with C., with whom P. was hired.]

2. By the apprentice entering as a sailor in the navy; Hindringham, 6 T. R. 557.

[This case turned on the power of an apprentice to vacate the contract; as to which see Notes on Stat. 5 Eliz. ante. Title *Apprenticeship*, No. 1.]

3. Agreement that P. should work for his own benefit, paying M. ——— per week; Offerton *v.* Stockport, B. S. C. 802.

[Settlement by apprenticeship under circumstances of consent.]

F. Of proof of the indentures.

The proof of indentures of apprenticeship, in cases of settlement, depends upon the same rule as the proof of deeds and instruments in other cases.

If lost, and all reasonable inquiry is made for the indentures from the person in whose hands they ought to be, and where they were last proved to be, secondary evidence will be received.

An indenture produced by the adverse party, upon notice, does not prove itself, and must be regularly proved by subscribing witnesses; Gordon *v.* Secretan, 8 E. 548; over-ruling Middezoy, 2 T. R. 41.

An indendure upon which a premium was paid having been lost, and the pauper having been relieved by the parish for several years (residing there), the sessions presumed the duty to have been paid, although proved by the officer of stamps not to have been inrolled. Lord Ellenborough—"The question before the sessions was, whether the presumption that all was rightly done, after the lapse of so many years, were sufficiently rebutted by the negative evidence of the officer: they thought not; and we cannot say

that they have done wrong, for the presumption of the law is to be favoured; and against the negative evidence they may have set the possibility of an irregularity in the return made to the officer;" Long Buckley, 7 E. 45.

[This can only shew, that if the sessions inferred the fact from the length of time, their inference could not be set aside as founded upon premises not adequate in point of law. It certainly did not prescribe any rule to sessions, that in similar cases they ought to make such presumption; and the true application of the rule, that *omnia presumuntur rite esse acta*, would be rather in favour of the supposition, that if the duty had been paid the indenture would have been inrolled. To call the regular official document, in which, according to law and practice, the duty, if paid, would have been entered, negative evidence, seems to be rather a perversion of the term. Negative evidence is that which is consistent with the thing supposed to be negatived, having been done, but not observed or attended to: this is positive evidence of an existing state of things, contrary to that which would have existed if the requisites of the law had been properly complied with.]

Section VI.—Of Settlement by taking a Tenement of 10*l.* a-year.

I. What tenements have been held to give a settlement. A. The kind of tenement.

1. Coney Warren and Cottage; Kinver *v.* Stone, 2 Str. 678.
2. A Rabbit Warren, without any other right in the soil than that of entering upon and killing rabbits there; Piddletrenthide, 3 T. R. 772.
3. A Fishery; Old Alresford *v.* Chilton Candover, 1 T. R. 358.
4. A Cattlegate: Whixley, 1 T. R. 137.
5. A right of common in gross; Dersingham, 7 T. R. 671.
6. The toll of a fair or market; Chipping Norton, 5 E. 239. But not upon a parol demise, being a mere licence; ruled ibid.

[But how could this be distinguished from the preceding case of the common, both being incorporeal hereditaments, which could not pass without deed? The same observation will apply to the case of the rabbit warren, and all the subsequent cases respecting the pasture of cows, &c., these being mere incorporeal rights, passing not the soil itself, but merely an incidental right, lying only in grant, and in respect to which, if a title were to be set out in pleading, a mere parol contract would not be sufficient.]

7. Tolls of a bridge, though declared to be personal estate; Bubwith, 1 M. and S. 514.
8. A water-mill or wind-mill.
9. After-grass; Brampton, 4 T. R. 548.
10. The pasturage of a cow.

[In the first case upon this subject (Lockerley, B. S. C. 315) it was held that a covenant to demise a house, with sixteen cows, and pasture on twenty-one acres, was not a tenement, but a mere personal contract; but in the cases of Piddletrenthide, 3 T. R. 772; Tolpuddle, 4 T. R. 671, it was fully settled, that the letting of cows to be depastured in particular lands constituted a tenement in respect of the lands: and Lord Kenyon laid it down generally in the latter case, that any thing is a tenement which is profit out of land: and these cases have been followed up by others, holding that the mere pasture of a cow, &c. in a ley with others, constitutes a tenement: but the value must be complete from the pasturage, without taking into account the use of the cow; Minworth, 2 E. 198.

In Didsbury, Nol. P. L. 25, Lawrence J. said, a contract to feed generally, under which they might be fed with green tares, would not be a tenement; which, to be sure, would seem almost as evident as that a contract to feed a man would not be a tenement.

But in Darley Abbey, 14 E. 280, where the agreement was for the milk of a cow for the season, and the person letting said at the time that A. B. would shew in what field the cow would first be milked, it was ruled by the sessions that a settlement was gained, which was confirmed in K. B. The chief point in discussion seems to have been, whether it was not properly inferred to have been the intention of the parties that the cow was to be fed on land and not on hay, &c. So far as the inference goes to establish a contract in respect of particular land, there is nothing to vary the case in principle from those that preceded it, and the justice of the particular inference is an enquiry confined to the particular case; but if it

is to be taken as the result of the case, that a contract to feed a cow on pasture generally, upon which it would be competent to provide any pasture within a reasonable distance, which the person so engaging might have, or even although he might at the time of the contract have no close at all, but must in order to execute his contract acquire one at his peril, I apprehend that the case is completely anomalous, and that the idea of a tenement is unsupported by any authority, more especially by any authority respecting the law of real estates. The true distinction would appear to be that of the modern civilians, between a *jus in re* and a *jus ad rem*, the former giving a right affecting the particular subject itself, and which might be asserted against all impugners; the latter a mere personal obligation against the individual for not performing an engagement: and although in settlement cases the law as to what is necessary to constitute a *jus in re* may have been dispensed with so far as relates to the legal formalities strictly requisite in matters of title, it would seem essential that there should at least be a completely specific thing in respect of which the right was acquired; and which right, if formally created by deed, would give a specific interest in the thing itself, and not that which would by the very terms of it be merely matter of personal obligation between the individual upon an undefined subject. It is singular that one of the learned judges should fix upon this as the peculiar case for observing, that the magistrates ought not to send up cases, if they had no doubt upon their own minds.—"Here there could be no doubt that the contract was for the milking upon the farm, or at *least within a reasonable distance.*"

To speak of doubting or not doubting, of clear cases or doubtful cases, may do very well in the abstract; but when the meaning of the expression is examined for the purpose of accurate reasoning, the solution will not be so very satisfactory. If it is a mere question of fact as to the doubts of an individual, it might apply to the absence of doubt arising from want of knowledge, or of power to perceive the real difficulty, as well as from the fulness of knowledge, which is adequate completely to resolve it; and the most ignorant byestander will in general have fewer doubts than the most enlightened judge. But if it is a question arising out of the nature of the subject, surely there was no question which would more reasonably admit of the doubt, and possibly of the dissent, of those habitually and professionally conversant with the subject, than the very novel propositions involved in the opinion which has been last referred to.]

What not.

1. Pointing places for a needle-maker (no specific one's being fixed) being frames of wood which support the spindles, on which the grinding-stones turn, and moved by leather straps, communicating with the great wheel of a water-mill; Dodderhill, 8 T. R. 449.

2. Runners for scouring needles; viz. a part of the machinery fixed to the floor of a mill with screws, having the exclusive right; Tardebigg, 1 E. 528.

3. A standing place for a carding machine, worked by the machinery of a mill, and fastened to the floor and roof of a room; Mellor, 2 E. 189.

4. A toll-house of a turnpike-gate; St. 13 G. III. c. 84, s. 56.

The exception extends to tolls under a local act for lighting, paving, watching, &c.; Elvet, 11 E. 93.

Not to the tolls of a bridge, though declared to be personal estate; Bubwith, 1 M. and S. 514.

5. Post wind-mill, constructed on cross frames laid upon brick pillars, but not attached or affixed thereto; Lindon Thorpe, 6 T. R. 377.

6. The case of a waiter at an inn, having the privilege of the tap, and the use of the cellar for holding his liquors, paying an annual sum; Seacroft, 2 M. and S. 472.

B.

Of the value of 10*l.* a-year.

The value.

The rent is only evidence of the value, and evidence may be received to shew that the real value is more or less, of which the sessions are the conclusive judges. But evidence of rent actually paid, without particular circumstances shewing a reason for its being more or less than the actual value, is generally, and very properly, regarded by the sessions as such evidence of value, as to counterbalance evidence of mere opinion to the contrary. If a

person has occupied a tenement for a considerable time at nine guineas a-year, and it is immediately afterwards let for above ten pounds, that is fair evidence to shew that it was of the value of ten pounds during the last forty days of the preceding occupation.

A rent of ten pounds in consideration of improvements agreed to be made, but not made in fact, on a tenement of less value, was held not sufficient; Southwold *v.* Yokesford, Str. 57.

It is sufficient if the value be made up by the landlord having dug the land for planting with potatoes; Ringwood, 1 M. and S. 381; or by ploughing and manuring by the landlord subsequent to and in pursuance of the agreement; West Cramore, 2 M. and S. 132. In the former of these cases it was admitted by Le Blanc J. that an increase of value by labour bestowed by the tenant after the letting, would not be sufficient.

A rent by the week or month, which would amount to 10*l.* a-year, does not gain a settlement if the tenement was not of the value of 10*l.* a-year, to be taken by the year; Hellingley, 10 E. 41.

The parish taxes, although paid by the landlord, are not to be deducted from the value; Framlingham, B. S. C. 748. Ruled accordingly; St. Paul, Deptford, 13 E. 320.

C. Of several tenements.

Different tenements held at the same time by different takings, and in different parishes, are sufficient, if the yearly value is 10*l.* in the whole.

But a freehold in another parish, and in the possession of a tenant, cannot be taken into the account; South Benfleet, 1 M. and S. 154.

Of the Interest in the Tenement.

D. Of the actual interest in the tenement.

Joint-tenants, or tenants in common, gain a settlement, if the value of their respective shares is more than 10*l.*; otherwise not.

The party taking the tenement gains a settlement, though he lets off so much as to reduce the remainder below the yearly value of 10*l.*; and the undertenant gains a settlement, if the value held by him is 10*l.*; otherwise not.

Taking a surety for the rent does not prevent the settlement; Butley, B. S. C. 107.

A person, previous to the time at which, by agreement, he was to become tenant of a house, took his furniture there by the consent of the former tenant and landlord, and went to sleep there; the former tenant sleeping elsewhere. Ruled, that the tenancy did not thereby commence; St. Michael's in Coventry; 15 E. 567.

Section VII.—Settlement by Estate.

None of the statutes make any provision in favour of acquiring a settlement by a person residing on his own estate, and the certificate Act expressly excludes the acquiring a settlement by persons under certificate, otherwise than by holding a tenement of 10*l.* a-year, or by office; but in consequence of the supposed intent of the law, that a person shall not be removed from his own estate of however small value, this is an acknowledged mode of acquiring a settlement, as well by persons having certificates, as by others, however small the value may be. But this mode of acquiring settlements is restrained by statute 9 G. c. 7, which provides that no person shall acquire a settlement by any purchase of any estate or interest, whereof the consideration for such purchase doth not amount to 30*l.* for any further time than such person shall inhabit in such estate. The cases upon this head may be divided into two principal classes; first A., those which have no relation to the before-mentioned statute; second B.; those which relate to the statute, and depend on the construction of it.

A. By whom, and in respect of what estates a settlement is gained.

I. By whom, and in respect of what estates a settlement may be gained.

1. By an infant of eight years; tenant in fee.

2. By an executor before probate for a leasehold.

3. The husband of an administratrix intitled to the trust of a term; Mursley *v.* Grandborough, 1 Str. 97:

4. Sole next of kin intitled to administration; Horsely, 8 E. 405.

[Administration was granted after the removal, but that was held by the court to be immaterial.]

5. The inclination of the court was expressed to be the same way in Ashton *v.* Woodchester; B. S. C. 444.

6. Husband of a person intitled to share of money to accrue by sale: contract for sale made within 40 days; Semble Natland *v.* Stainton, B. S. C. 793.

7. Husband, by estate vested in trustees for separate use of wife; Offchurch, 3 T. R. 114.

8. Husband of Mother, Guardian in Socage of a child under 14; Oakley, 10 E. 491. Guardian in socage is entitled to the possession.

9. The mother of an infant copyholder: Wilby, 2 M. and S. 504. *Cestui que trust* under devise to trustees to pay her the rents, after deducting expenses: she resided upon the premises, and the trustees never interfered.

10. Marriage with feme purchaser under 30*l.*; Ilmington *v.* Mickleton. B. S. C. 566.

11. Liberty for W. P. his wife and children, by devise, to dwell; Evenholt *v.* Woburn, B. S. C. 851.

12. Descent from a person wrongfully building on the waste; Ashbrittle *v.* Wyley, 2 Str. 608.

13. Party having conveyed in trust by sale to raise a certain fund; Edington, 1 E. 288. The case considered as a mortgage.

12. Schoolmaster, for an estate vested in trustees upon trust to pay him the rents and profits; the trustees had appointed him, with an agreement for payment of an annual sum only, and the possession of the school-house, &c. The sessions had disallowed the settlement, on the ground of its being a fraudulent appointment; but the Court held that there was no fraud in him, but only a fraud upon him; and that he was in possession of the school-house, &c. as *Cestui que trust*: Oversley le Moor, 15 E. 356.

II. By what not.

1. Interest of one of several next of kin without administration; Farringdon *v.* Widworthy, B. S. C. 109.

2. Wife (not sole next of kin) not administering till after assignment; North Curry *v.* Ruishton, Cald. 137.

3. Person having conveyed to trustee to sell and pay mortgages and other debts, and the surplus, if any, to the pauper, getting possession without the consent of the trustees, held not to be a mortgage.—See Edington, supra I. B.; St. Michael's, Bath, Doug. 630.

4. An annuity charged upon leasehold and general personal estate, or (come semble) a rent charge out of a freehold; Stockley *v.* Fitzpayne, B. S. C. 762.

5. Schoolmaster; lands being devised to the vicar to pay the yearly sum of £—— to the school; B. S. C. 244.

6. Freeman of a borough having a right as such while resident, to depasture a certain stock of cattle, and to get turves, &c. It did not appear that he had ever exercised such right, which was observed upon by the judges, but does not seem to have formed any essential ingredient of the decision; Warkworth, 1 M. and S. 473.

The father agreed to advance the son 20*l.* towards the purchase of a piece of land, on condition that the son should build a house, in which the father and mother should reside for their lives; not selling or disposing of it, or taking any other family into the house; residence by the father accordingly: ruled that the father had not an equitable estate; Standon, 2 M. and S. 461.

B. Cases depending on statute 9 G.

I. Cases to which the statute does not apply.

1. Voluntary conveyance by father or child; Marwood *v.* Kentisbury, B. S. C. 386.

[Per Ryder, C. J.—"The word purchase is not to be taken in the largest extent of it, but is confined to cases where a pecuniary consideration is paid."]

S. P. Ingleton *v.* Astwick, B. S. C. 560.

2. Natural affection and 10*l.*, the value being more; Ufton; 3 T. R. 251.

II. Purchase of 30*l.*

1. Part of purchase money paid by parish officers (no fraud found); St. Paul's, Windsor *v.* Kempston, Foley, 238.

2. Part borrowed on mortgage; Tedford *v.* Waddington, B. S. C. 57.

3. Purchase of copyhold for 10*l.* subject to mortgage for 50*l.*, and mortgage discharged, and new surrender of mortgage for the same amount on the same day; Chailey, 5 T. R. 755.

4. Purchase for more than 30*l.*, though less expressed in the deed; Scammonden, 3 T. R. 474.

III. Purchases under 30*l.*

1. Conveyance from father to child for 14*l.*, being the full value; Sawbridge *v.* Aldbury, B. S. C. 489.

2. Grant of waste for 1*s.* fine, 1*s.* herriot, 1*s.* quit rent, not being found by the sessions a voluntary grant; Havant *v.* Warblington, 1 T. R. 241.

3. Purchase for 39*l.* of premises, subject to a mortgage for 32*l.*, 7*l.* only paid, and the mortgage not paid; Mallingley *v.* Kirkfield, 2 T. R. 12.

4. The estate purchased on condition that the seller would let part of the purchase money (reducing the remainder to less than 30*l.*) remain in mortgage, and mortgage accordingly; which was afterwards paid off by a vendee of the purchaser; Olney, 1 M. and S. 387.

5. Estate purchased for less than 30*l.*, but money laid out in improving exceeding that sum; Duckworth *v.* South Kilworth, B. S. C. 553.

C. Of residence and removal.

There must be a residence of 40 days in the parish, but it need not be on the estate; and the estate being in lease makes no difference; Houghton *v.* Spring, 1 E. 247.

A pauper cannot be removed from the parish where he has an estate, purchased for less than 30*l.*; Martley, 5 E. 40.

SECTION VIII.—SETTLEMENT BY ANNUAL OFFICE.

If any person shall (1) execute for himself, and on his own account (2) any public and annual office or charge (3) in the said town or parish (4) during one whole year, he shall have a settlement; 3 W. c. 11. s. 6.

I. An execution for himself and on his own account; Galton *v.* Milwich, 2 Salk. 536.

Constable hiring another gains a settlement; Hope Mansell, Cald. 252.

Serving as deputy hired by another does not; Winterbourn *v.* St. Philip, B. S. C. 520; Allcannings *v.* Patney, B. S. C. 634.

II. What a public and annual office.

1. A parish clerk.

2. A sexton; Liverpool, 3 T. R. 118.

3. Warden of a borough, including several parishes; St. Mary *v.* St. Lawrence, in Reading, 2 Bott. 156.

4. Constable of city, including several parishes; St. Maurice's *v.* St. Mary Calendars, in Winchester, B. S. C. 27.

5. Tithingman; Burliscombe *v.* Sandford Peverell, 1 Str. 444.

6. Hogringer, appointed by Leet and sworn, (an ancient office, and serviceable to the inhabitants); Whittlesea, 4 T. R. 807.

7. Bailiff or aletaster for a borough, part only of the parish; appointed at the leet and sworn; Whitechurch *v.* Overton, B. S. C. 365.

8. Collector of duties on births and burials appointed by Commissioners; Bisham *v.* Cooke, 1 Str. 411.

9. Collector of land tax; Hammond, 2 Bott. 157.

10. Governor of workhouse at a salary; it being found by the sessions to be a public annual office; Ilminster, 1 E. 83.

[The Court said, that the finding by the sessions that it was a public annual office precluded any further discussion; but when they described the particulars wherein the functions of the office consisted, the finding was no more than was necessarily implied in the confirmation of the order.]

III. What not.

1. Stipendiary Curate; Wantage, 2 E. 65.

2. Schoolmaster of a charity school; Sheepshead *v.* Netborne, 2 Str. 1225.

3. Master of a workhouse engaged at a salary, and dismissed after serving a year, on a quarter's notice; Mersham, 7 E. 167.

IV. In the parish.

The party must reside in the parish where some of the duties are performed. Sexton gains settlement if part of chapel yard is in the parish where he lives, though there are no burials during his being in the office; Liverpool, 3 T. R. 118.

V. For a year.

1. An officer becoming chargeable within the year may be removed; Titleworth *v.* Pullborough, B. S. C. 238.

2. Serving an office at two different times, with an interval between them, there being a custom to serve for half-a-year, is not sufficient; Cold Ashton *v.* Woodchester, Bott. 174.

3. Appointment at adjourned leet on the 10th. Nov., and swearing to serve a year, or until lawfully discharged; service till 1st Nov., when a new officer was appointed, held sufficient; Bow, 8 T. R. 445.

SECTION IX.—SETTLEMENT BY RATES.

The statute 35th. Geo. III. c. 101., has put an end to this settlement as to all cases subsequent to its enactment, but the former law still subsists with respect to antecedent cases, and may be considered under three heads.

1. The kind of taxes.
2. The rating.
3. The payment.

I. A. What taxes do give a settlement.

1. Land tax.

2. Church rate, though laid too narrowly, as only upon householders, instead of inhabitants generally.

3. Poor rate.

I. B. What not.

1. House and window tax, 21 Geo. II. 10.

2. Assessed taxes, 43 G. III. 161.

[This provision was not very necessary as applicable to future cases].

3. Highway rates.

II. The party must be rated previous to payment; Edgbaston, 6 T. R. 540.

The rate need not be by name;

The name of the tenement,
Of a former occupier,
A. B., *or tenant* ———, is a sufficient rate on the tenant.

This is only a presumption, which may be repelled; as where

The tenement was rated by name; the landlord paid the rate; tenant allowed it; and the overseer knew nothing of the tenant; Llangamarch, 2 T. R. 628.

It seems now settled, that the question, whether landlord or tenant is rated, is a question of fact to be determined by the sessions; Folkestone, 3 T. R. 505.

If nothing appear to the contrary, the occupier should be presumed to be the person rated; St. Lawrence, Winchester, Cald. 379.

There being a column in the land tax assessment of landlords, and another of occupiers; the occupier paid the tax, and took a receipt for it, as assessed on the landlord. This rebutted the legal presumption that the tenant was rated; St. James, Bury St. Edmunds's Cald. 385.

The rate must be produced, or proper notice given to produce it; Coppull, 2 E. 25.

III. Payment.

There must be a payment as well as a rating; but a settlement is gained although the rate is allowed to the tenant by agreement with his landlord; Openshaw v. Gorton, B. S. C. 522.

Or an officer of revenue be repaid, or allowed the amount by his superior; Okehampton v. Kenton, B. S. C. 5; Axworth, 8 E. 383.

Secus where the rate was paid by the collector, and not deducted out of the officer's salary; Weobley, 2 E. 60.

Section X.—Of Certificates.

See statutes 9 and 10 W. III. c. 11; 12 Anu, st. 1. c. 18. s. 2.; 3 Geo. II. c. 29. and notes.

Section XI.—Of Removals and Appeals.

A. Of removals. 1. The order.

I. An order of removal must be founded on a complaint from the Churchwardens and overseers of the parish, or the overseers of the township, that the persons removed have come to inhabit in such parish or township, not having gained a settlement there, and that they are actually chargeable to such parish or township.

2. An adjudication of the truth of those facts.

3. An adjudication that they are settled in the place to which the removal is made.

A person meeting with an accident in a parish where he is casually at work, is not removable as having come to inhabit there; St. James's, in Bury St. Edmund's, 10 E. 25. But when a pauper residing in Kilburne, and relieved there, upon applying for relief was desired to go to Fakenham, and being referred back from one to the other, was finally removed by Fakenham; the order was sustained, Lord Ellenborough saying that it was the case of a starving vagrant in whichever of the parishes she was, and she was liable to be removed from either; Birmingham, 14 E. 251.

Previous to the statute 35 Geo. III. c. 101. it was sufficient if the parties were likely to become chargeable; but in such case it was also necessary that the complaint and adjudication should state, that they had not brought a certificate acknowledging them to be settled elsewhere: it is not necessary

to alledge that the paupers are settled on a tenement of less than 10*l.* a-year; Weston Rivers *v.* St. Peter's, 2 Salk. 493.

The justices making the order must appear to be justices for the county, or other district, within which the parish, &c. from which the removal is made or situate. If the direction is at the beginning of the order, and two counties are there mentioned, *justices for the said county* is insufficient; Moor, Critchell, 2 E. 66. To prevent this mistake, it is eligible that the direction should be printed rather at the foot than at the head of the order. It is not necessary that they should be of the division; 2 Salk. 473. Justices for the *borough* or *town and parish*, of Andover, is sufficiently certain; Caldec. 373.

The justices ought to be together at the time of the examination and order; but the objection that they were not so, can only be taken advantage of upon appeal, and does not render the order absolutely void; Stotfold, 4 T. R. 596.

There are several cases as to the necessity of setting forth the ages of children who are removed with their father to the place of *his* settlement; but it is now the constant course for the complaint and adjudication to refer as well to the children as the father.

2. Of the removal of married women.

A woman marrying a foreigner, or person whose settlement is not ascertained, retains her original settlement; but cannot, if living with her husband in a different place, be removed to such settlement against his consent.

In Hoylandswain *v.* Carleton, B. S. C. 813, the wife and children were removed from the residence of the husband. In the statement of the case by the sessions, it was not expressly said that he did or did not consent, and the order was set aside; from which it seems to be a necessary consequence, that in such case an express consent must be proved.

An order to remove a married woman to the place of *her* settlement is good; Higher Walton, B. S. C. 162. It is not necessary that the absence, or (come semble) the consent of the husband should appear on the face of the order; Ironacton *v.* Painewick, B. S. C. 153.

In Rex *v.* Hinxworth, Cald. 42, a removal of a wife and her children was held conclusive as to the settlement of the husband. Nothing appeared on the statement of facts, as reported, to shew whether the place to which the removal was made was the maiden settlement of the wife, or the supposed settlement of the husband. Lord Mansfield said,—"The general rule of law is, that the settlement of the wife and children must depend upon that of the husband; 'tis true there are excepted cases, but unless such special circumstances are stated, we are bound to presume in favour of the general rule." In Rex *v.* Leigh, Doug. 45, the reversal of an order as to the wife was, upon the authority of the preceding case, held conclusive between the same parishes as to the husband; and a removal of a married woman, under the designation of widow, has also been held conclusive as to the settlement of her husband; Rudgeley, 8 T. R. 620.

[I have thought it eligible to bring these cases, respecting the settlements of married women, together; although some of them relate more particularly to a subsequent head. It is observable, that in none of the cases in which the settlement of the husband has been deemed to be concluded by the removal of the wife, it has distinctly and specifically appeared, that the removal was to the maiden settlement of the wife, and that the husband had no settlement in England; but if there is no exception under such circumstances, it follows that a parish may be burthened with the settlement of a husband, contrary to the truth of the fact, by an order, against which they could not by any possibility relieve themselves by appeal, as in the case of the husband being absent, or consenting to the removal.]

3. Examination.

It certainly is not necessary that the order should be made on the examination of the persons removed, as the settlement may depend altogether upon other evidence. In Ware *v.* Starstead, Mount Filchet, 2 Salk. 488, Gould said, the practice was, to make the complaint to one justice, and he grants his warrant to bring the party before two justices.

In Rex *v.* Jackson, 1 T. R. 653, the Court of B. R. refused to grant an information against justices, for committing a pauper who refused to answer a question respecting his settlement. And Ashurst and Buller expressed a strong opinion in favour of the power of such commitment.

4. Of the place to which the removal is made.

The removal must be to a parish or vill maintaining its own poor. A removal to the parish of Stepney, which was not appealed from, being removed into the King's Bench, it was objected that the removal should have been to the township of Spittal Fields, the parish being divided into town-

ships maintaining their own poor; but the Court held that the objection ought to have been taken by appeal; Spittal Fields *v.* Bromley, 18 Vim. 468. A removal order to the parish of Kirkby Stephen delivered to the overseer of the township of Kirkby Stephen (being one of several townships within the parish), was held conclusive on the township; Kirkby Stephen *v.* Wharton, B. S. C. 664. A removal to Ascott, being in fact a village within the parish of Whichford, not maintaining its own poor, is a mere nullity, though unappealed from; Swalcliffe, Cald. 248. A removal to the parish of Poole, or town and county of Poole, is good; the town and county consisting of the single parish of St. James's in Poole; Topsham, 7 E. 466.

In the case of Spittal Fields *v.* Bromley, above-mentioned, it was said that two townships within one parish are the same as two parishes; yet churchwardens are overseers of the poor of the whole parish (though so divided), and have a superintendency over the whole villages and townships. This seems very doubtful, especially since 17 George II. c. 38, post.; which enacts, that in such townships the overseers alone may act in all respects as churchwardens and overseers may do in other places: and I conceive that the churchwardens of a parish divided into townships, or the overseers of a township having the same name with the parish of which it constitutes a part, are not bound to receive an order upon the parish.

B.

Of the appeal.

1. By whom.

The appeal may be either by the place to which the removal is made, or by the person removed.

2. To what sessions, in respect of jurisdiction.

The appeal must be to the sessions of the county, division, or riding, where the place from which the removal is made is situate, and not elsewhere; 8 and 9 W. c. 30. s. 6.

An appeal to the sessions of a borough (by the justices of which the order is made), although acquiesced in by entering on the merits, is wholly nugatory; East Donyland *v.* St. Giles's, Chichester, B. S. C. 592.

The term *division* seems applicable only to the county of Lincoln, which is divided into three several parts, having separate commissions of the peace like the ridings of Yorkshire.

3. The next sessions.

The appeal must be to the next sessions after the removal.

Except where there is not sufficient time for the purpose.

As where the removal was on the 5th of October, and the sessions held at 60 miles' distance on the 6th (the subsequent sessions being considered in such case the next possible sessions); East Riding of Yorkshire, Doug. 183.

Where there were two intervening days, and the distance was twenty miles; ruled that the appeal ought to have been to the first sessions.

When the sessions were the day after the removal, and continued fourteen days, an appeal at the following sessions was held sufficient; and per Curiam —"The appellant parish ought to have a reasonable time for considering, whether they will appeal or not;" Surrey, 1 M. and S. 479.

When the sessions of a county are adjourned from place to place, and the removal is after the commencement of the original sessions, an appeal to the adjourned sessions of the following quarter is in time; Justices of Sussex, 7 T. R. 107.

In London and Middlesex an appeal to the next general *quarter* sessions is sufficient, notwithstanding there being an intermediate general sessions; Justices of London, 15 E. 632.

4. Of notice and adjournment.

By 9 Geo. c. 7. s. 8. no appeal can be proceeded upon unless reasonable notice has been given; and if reasonable time of notice has not been given, the justices are to adjourn the appeal to the next sessions.

It is imperative on the sessions to receive the appeal, although notice may not have been given, and although there may have been sufficient time for the purpose; Justices of Huntingdonshire, Cald. 283; Gloucestershire, Doug. 182; Shropshire (printed by mistake in the report Staffordshire), 7 E. 549; the case of the North Riding of Yorkshire, 3 T. R. 150. Contrà, is overruled by the subsequent case of Shropshire.

Where the appeal was properly entered, but notice was not given of it before the following sessions, according to a new rule made by the sessions, and not known to the appellant's attorney, the sessions refused to hear the appeal, or to adjourn it further, thinking they had no power to do so. The Court of K. B. held that they ought to have adjourned it, and granted a mandamus: Lord Ellenborough said, the magistrates certainly had a discretion with respect to what was reasonable time for giving notice of appeal, but that Court had also visitatorial power over them, in the exercise of such a discretionary power; Wiltshire, 10 E. 404.

[As every sessions have their particular rules with respect to the time of notice, which is frequently unknown to parishes at a distance, I think it would be desirable to regulate the subject by a general legislative provision.

The following would, perhaps, be as eligible a plan as any other: That the appeal might, in all cases, be to the next sessions or next but one after the removal.

That notice should be given two weeks exclusive before the week in which the sessions are held; or in other words, that there should be one full week exclusive of the week in which the respective days fall from which the sessions are computed.]

5. Of hearing the appeal.

With respect to hearing the appeal, it is now settled as a general rule of law, that the respondents must begin and prove their case. The practice upon this subject was formerly regulated by the accidental usage of each particular sessions.

I apprehend that it is clearly competent for the appellant to require proof, not only of the settlement, but of the party being chargeable.

It does not seem to be material to advert to general rules of evidence which apply to cases of settlement, as there is not any difference in the application of those rules when arising in such cases, from that which prevails upon other subjects.

6. Evidence of relief.

But this seems to be the proper place to notice the evidence of relief as prima facie proof of settlement; with respect to which it is established, that evidence of relief to a person, being within the parish, and however often such relief may have been given, is not admissible; Chadderton, 2 E. 27; Chatham, 3 E. 498, for persons requiring relief are to be relieved in the parish where they are, until some other place of settlement can be found; but evidence of relief given to a person residing in another parish or township is admissible; R. *v.* Wakefield, 5 E. 335; and such evidence is treated, in the late editions of Burn, as forming a distinct kind of settlement; and though only prima facie evidence of settlement, it was held in Rex *v.* Stanley cum Wrinthorpe, 15 E. 359, that where repeated instances of such relief had been given to the pauper and his family, the sessions had drawn the right conclusion in holding it not rebutted by a certificate given to the grandfather of the pauper many years before by a different parish.

And see Rex *v.* Barnsley, 1 M. and S. 377, in which the Court held, that relief for seven years was evidence of such preponderating weight, that the sessions ought to have drawn the conclusion that the pauper was, by some means or other, a settled inhabitant:—See Observations on this Case infrà.

It is evident, however, that such evidence should be received with very considerable caution, when the real facts of the case are capable of being shewn; the relief being only evidence of acknowledgement of settlement by the overseers, whose mistakes of either fact or law are not to bind the parish to which they belong: and I should be very unwilling to lay any stress upon this acknowledgment, if it appeared to have been occasioned by facts which are within the reach of inquiry; as in any case it is incorrect to be satisfied with the presumption of a fact which is capable of proof, being in principle at least an infringement of the rule (much more known in its expression than in its just and proper application), that the best evidence should be required which the nature of the case will admit.

7. Examinations under the Mutiny Act.

The Annual Mutiny Act contains a provision, that if any non-commissioned officer or soldier shall have a wife or children, two justices may summon him where he is quartered, to make oath of the place of his settlement, and he shall obey such summons and make oath accordingly; and the justices shall give an attested copy of such affidavit to be delivered to the commanding officer, to be produced when required; which attested copy shall be at any time admitted in evidence as to such settlement, before any justices, or at any sessions; and if he be summoned again to make such oath as aforesaid, then, on such attested copy of the oath by him previously made being produced, he shall not be obliged to take any other or further oath with regard to his settlement, but shall leave a copy of such attested examination if required.

In Rex *v.* Clayton le Moors, 5 T. R. 704, an attested copy of an examination, but which had not been delivered to the commanding officer, was held not admissible in evidence, not being such copy as the Act requires. Lord Kenyon observed—"Whether it was or was not wise to introduce such a clause in the Mutiny Acts, which was not formerly contained in those statutes, it is unnecessary to inquire; but the question here is, whether this act of Parliament, which makes an innovation on the law of evidence, should be

carried beyond the express words of it? In my opinion it ought to be construed strictly; for the examination which is to be made evidence is an ex parte examination, and which the party has no opportunity of knowing at the time it is taken, and of course they are deprived of all opportunity of cross-examining the party who makes it."—Some doubt was expressed in that case, whether the original examination was evidence; but in Rex v. Warley, 6 T. R. 534, it was ruled to be so. The paper does not prove itself, and must be authenticated before it can be received in evidence; Belton with Harrowgate, 1 E. 13.

The observations of Lord Kenyon as to the propriety of the Act being construed strictly, are founded upon very important reasons; and it may be material to observe, that unless the soldier is summoned by two justices where he is quartered, the provision does not apply. Such examinations are usually procured on behalf of a parish interested, and are often conceived in very vague and general terms, perfectly inadequate to give a proper view of the real facts of the case; and as they are in general calculated to produce a conclusion upon the fact without any satisfactory investigation of the truth, it may not be unimportant for those who are engaged in preparing the Mutiny Acts to consider, whether the inconvenience which is intended to be remedied by the introduction of the clause in question, would so materially affect the public service as to induce them to continue it.

8. Evidence of parishioners.

A great many questions have formerly occurred respect the competence or incompetence of parishioners in questions of settlement affecting the parish in which they inhabited or possessed rateable property. But the objection to which these questions relate is removed by stat. 54 Geo. III. c. 170, (post.) sec. 9, by which it is provided, that no inhabitant or person rated or liable to be rated in any parish, &c. should, by reason thereof, be taken to be an incompetent witness for or against such parish, &c. in any matter relating to any order of removal to or from such parish, &c. or in the several other subjects particularly mentioned in the Act.

There are opposite opinions amongst persons conversant with the subject, respecting the wisdom and policy of this enactment; but so far as my own observation goes, I conceive its tendency on the whole to be much more beneficial than otherwise, and that the rejection of the testimony of the parties in question had more frequently operated in the exclusion of truth, than in the prevention of falsehood; more particularly when the persons who are in general under the greatest, real influence upon the subject, the paupers themselves, were legally competent, and had an opportunity of giving, without contradiction, the narrative most congenial with their own wishes. But it is certain that the alteration in the law, however much it may be intitled to approbation as to its general effects, renders it proper to apply a great degree of caution in weighing the credit of witnesses, whose competence can no longer be objected to, and in watching with jealousy and suspicion that spirit of parochial feeling, which, in many cases, is extremely prevalent, and perhaps not difficult, with a moderate share of observation, to detect. It is obvious that, *cæteris paribus*, this spirit will naturally prevail in a greater degree amongst the inhabitants of a small country hamlet, where the trial of a settlement case is a matter of general interest and attraction, than among the inhabitants of an extended district, to whom the existence of such case would be probably unknown, if their own immediate testimony had not been connected with it.

9. Declarations of parishioners.

In Rex v. Woburn, 10 East, 395, it was ruled, that a rated inhabitant of one of the parishes concerned in an appeal was not compellable to give evidence against such parish, although certainly he could not have been objected against when called upon by the opposite parish; and the cause was ruled not to be affected by the statute 46 Geo. III. c. 37, declaring that parties cannot refuse to give evidence on the ground that it may affect their interest. Le Blanc J. observed, that "if the sessions had been aware at the time of the extent of the question, there would have been no difficulty; for if the witness were rejected on the ground of his being a party to the suit, his declaration of any facts touching the matter in issue would necessarily have been evidence against himself."—The correctness of this incidental opinion was very soon established in Rex v. Hardwicke, 11 East, 578, and was regarded as a corollary from the preceding decision; a point upon which I have always entertained considerable doubt, and the Court appeared to be fully aware of the important consequences which might result from it. Mr. Justice Bailey observed, that unless the opposite party first offered to

call such inhabitant as a witness, which was objected to, he did not think that in ordinary cases the magistrates should give any weight to mere declarations of that kind; though there may be occasions when the declaration of such a party would have great weight.—I do not think that the observation last adverted to would very materially remove the inconvenience that would probably result from the decision; for a witness might have many reasons to refuse being examined, with which the parish of which he was an inhabitant would not have any concern, and none more powerful than his having made assertions which he knew were contrary to the truth.

I have known it decided at the sessions, that the late Act 54 Geo. III. c. 170, above alluded to, had the effect of compelling parishioners to give evidence, and consequently of preventing their declarations being received. It did not appear to me that it would admit of so large a construction; and I conceive that it would be very desirable that a legislative provision should be expressly made for effecting those objects.

10. Justices equally divided.

If the magistrates in sessions are equally divided in opinion, the decision of the appeal should be adjourned to the following sessions; but when the clerk of the peace made an entry by mistake, that there was a majority for quashing the order (the fact being, that one of the justices who had made the order, having voted for confirming it, which made a majority of one, withdrew such vote upon being apprized of the fact, whereby the numbers were reduced to an equality), it was held that no mandamus would lie to enter continuances, upon affidavit of the facts, although it would have been competent to the court of quarter sessions to reform the error during the continuance of its sitting; Justices of Leicestershire, 1 M. and S. 442.

11. Of stating a case.

One of the most important considerations for the decision of courts of quarter session, in cases upon the poor laws, is the propriety of granting or withholding a case for the purpose of bringing the rectitude of their decisions in review before the Court of King's Bench. Some very great judges have strongly expressed their opinion in favour of the facility of granting such cases. Lord Hardwicke said—"To be sure it is a thing very much to be censured and discommended, when an inferior jurisdiction endeavours to preclude the parties from an opportunity of applying to a superior;" Oulton *v.* Wells, B. S. C. 64. In another case he said—"If the justices will not state the facts specially (though requested so to do) when the matter is doubtful, this is very blameable conduct in them, and it is to be wished that it might be avoided.—Lord Mansfield, at nisi prius, always shewed a great readiness in granting cases, by which the parties might have an opportunity of a more deliberate discussion of any legal question, taking proper precaution to prevent that facility being made a subject of abuse. In modern cases it has been very often recommended to justices in sessions not to reserve cases when they had not themselves a serious doubt. In a former part of this note I have adverted to the weight which ought to be given to the absence of doubt as a reason for withholding the opportunity of further discussion.

Nothing could be more fallacious than any general theory as to the adequacy or inadequacy of courts of quarter session, to form a correct opinion upon disputed questions of law. Such courts are sometimes composed of persons of long professional experience: they may be composed of gentlemen, who, without having been professionally connected with the study of the law, may have devoted to this particular branch of it a very considerable attention, accompanied by a very accurate judgment; but it is also manifest, that they are not unfrequently composed of persons who have not, by any means, devoted that attention to the subject which is requisite, to enable them to pronounce, upon the sudden impression of the moment, an adequate judgment on any question, forming part of a system so extremely complicated and artificial as the law of settlements; but are obliged to collect the law upon the subject, from the statement which is made of the law during the trial of the particular cases. From the experience of a long attendance upon courts of quarter sessions, in two large and populous counties, I have received the impression, that in general (although, certainly, not without exception) the greatest readiness to submit a case to further revision is shewn by those who have the most extensive and familiar knowledge of the general law of the subject; and that the greatest tenacity has been maintained in support of opinions, pronounced in opposition to first principles, under the influence of counsel who had the talent, when the case would not admit of strength of argument, to supply the want of it by confidence of manner.

It should always be recollected, that after the case is reserved, the losing

parties have strong motives to pause before they avail themselves of the opportunity of bringing it into further discussion; that if they fail they have all the costs to pay, and are not entitled to recover any if they succeed; and consequently, that they will not, if acting under proper advice, be induced to expose themselves to such a hazard, unless there is either a very great interest in the question, or a strong probability of success. During the time that it has been customary to recommend the refusal of reserving cases (which I think may be dated from the appointment of Lord Kenyon as chief justice), I have observed, that notwithstanding such recommendations, the number of cases in which the orders of sessions were reversed bear a very large proportion to those in which they were confirmed; and to bring the subject to a test, I have compared their relative numbers, in the supplement lately published to Bott's Poor Laws, embracing ten volumes of reports, and containing 111 cases, in 49 of which the orders of sessions were reversed, and in 46 confirmed (the remaining 16 cases arising upon applications for mandamus, and other proceedings foreign to the present question). Of the cases confirmed, the decision in some merely proceeded on the ground that the decision of the sessions on either side ought not to be disturbed; so that they would equally have been confirmed if they had been the other way; and consequently, in a considerable majority of the cases, where a judgment was actually pronounced on the merits of the case, it was against the propriety of the former decision; and which, I apprehend, is to be in a great measure accounted for, by the caution which is naturally entertained as to incurring the hazard above alluded to, without a just and reasonable prospect of success; and from these considerations it seems reasonably to follow, that although a case ought not to be granted as a matter of course, and merely because it is asked for, the error of too easily acceding to such an application is in its nature much less prejudicial to the real justice of the case, than the error of refusing it, without a full and well-grounded confidence in the rectitude of the opinion which is entertained.

When a case is agreed to be granted, a system of jockeyship and manœuvring often takes place with regard to the manner of stating it; there is often an attempt to introduce some incidental finding, which may be caught hold of as a legal point, and elude a decision upon the real question which has been previously contested, particularly by the finding of something as a matter of fact, with regard to what has been agitated merely as a question of law. Two instances of this kind, which many years ago occurred to myself in practice, will sufficiently illustrate this observation: A person had been hired for a year, at weekly wages, as a servant, without any exception as to hours of work or of Sundays. From his having the common remissions from labour, the sessions were persuaded to find, "that it was the intention of both parties at the time of the contract, that there should be some time during which the master should not have a controul over the servant." In another case upon that point of contract of service and instruction, which is the foundation of the case of Little Bolton, and others that had followed it, the word *Apprentice* never having been mentioned; but the counsel having prevailed upon a witness to say *Yes*, in answer to the question—"Did not you intend your son to go as an apprentice?" afterwards prevailed upon the court to find, that the parties intended a contract of apprenticeship.—Of course it was not deemed eligible, in either case, to trouble the Court of King's Bench upon the questions intended to be reserved. In all these cases the most judicious course which the sessions can adopt appears to be, to confine the case to a statement of the facts which actually occurred.

Upon some subjects where the contrariety of decisions has involved the law in an inextricable labyrinth, it has been recommended to the sessions in future to decide the case one way or the other as a matter of fact (as in the much litigated question of dispensation or dissolution of service) which certainly, so far as it goes, is a commodious way of cutting the knot, which it is difficult to untie. But although this may prevent the discussion of cases in the King's Bench, it will have the effect of very much multiplying them at the sessions, as the parties may be reasonably advised that it comes merely to a question of casting lots; whereas if the Court of King's Bench, in such cases, would disencumber the subject from the mass of contradictory decisions, by laying down a broad, general principle, according to the true construction of the law, a rule would be given to which the advice of counsel could be properly applied, and a great expense of litigation upon the mere chance of the tables would be prevented. The late cases upon the particular subject which have been alluded to, afford an instance of the expediency of this course of proceeding; and the short question, whether a servant was or was not to be

under the controul of the master, can as easily be considered in a question of settlement, as in a case where such controul was in fact attempted to be exercised.

There are few questions which are not essentially questions either of fact or law, or which can with propriety be treated indifferently as the one or the other: and although such questions may be intimately blended and connected, they are almost always, with due care, capable of separation, and are distinguishable in cases on the poor law, with reference to the respective provinces of the quarter sessions and the Court of King's Bench, as in ordinary civil cases, with reference to the province of a court and a jury, wherein the withdrawing from a jury the decision of a question of fact, or the submitting to them a question of law, would, if properly introduced on the record, be equally a matter of error.

It may not be irrelevant to remark, that when a special case is stated for the purpose of raising a certain point, incidental and collateral circumstances, upon which no dispute appears to have arisen, may be considered as sufficiently established, although not particularly noticed. Thus in the case of Aire and Calder Navigation, 2 T. R. 660, upon the validity of a poor rate, it was objected that it did not appear that it had been published in the church; upon which Buller J. observed, that if the objection were to hold, it would destroy every case of the sort that came before the court; but the distinction between orders and special verdicts had been long established; in the latter, the whole case must appear upon record; but the very reverse is the rule which obtains in the case of orders of justices, for the court will intend every thing to be right, which does not appear to be otherwise; and they will not entertain a doubt upon any subject, upon which the justices did not.

That the decision of pure questions of fact is exclusively the province of the sessions, is a proposition which is generally acknowledged as a first principle of settlement law; but in some recent cases, the Court of King's Bench have reversed the judgment of the sessions upon such questions. For instance, in Rex *v.* Barnsley, 1 M. and S. 377, suprà (7.) the sessions having drawn a conclusion which appeared to the court to be wrong, Lord Ellenborough said—"The only doubt is, whether, where the sessions have drawn a conclusion palpably erroneous, we should send the case down again, or, in case of the parties, draw the irresistible conclusion ourselves. The relief given is evidence of such preponderating weight, that I should think any judge would direct a jury to find upon such evidence (supposing the question legally to come before them) that G. was by some means or other a settled inhabitant of the parish:" and the order was reversed. That the Court of King's Bench took the proper view of the facts of the case may be fairly conceded; but it is in strong and favourable cases, and where expense will be saved to the parties, that a deviation is almost always made, in the first instance, from the regular course and system of the law; and such deviation is afterwards gradually followed up to an extent, which, if it could have been foreseen, would have evinced the propriety of adhering to the regular order and system of the law. It was an observation of Lord Mansfield, that favourable cases make bad precedents. Admitting that under the circumstances a judge would have given a strong direction to the jury, and that a court, in case of their finding an opposite verdict, would have thought it a proper case for granting a new trial, no case has yet occurred in which the courts have substituted themselves in the place of the jury, and have entered a verdict in opposition to that which was actually given.

The positive directions given in some cases to juries, respecting the presumption which they are required to draw upon matters of fact, has introduced one of the greatest and most inconvenient anomalies in the law with respect to the effect of length of time upon incorporeal rights, and created an heterogeneous system, in which the verdict is dictated to the jury as upon a matter of law, and the judgment of the court cannot be made the subject of revision, because, in point of form, the decision is a finding of the jury upon the fact; a system which gradually emanated from some loose and incidental opinions at Nisi Prius. In every decision of a superior court, it is of so much importance to regard the effects and consequences of the precedent which may be established, that nothing can be more justly deprecated than a departure from established principles, in order to accomplish an object of accidental and immediate convenience in a particular case.

With reference to the immediate subject it may be further observed, that where the case states mere evidence respecting that which is truly and properly a question of fact, it seems to be the proper, as it certainly was long the established practice of the Court of King's Bench, to decline giving any

judgment upon the weight and effect of such evidence, however strong and satisfactory it may be, as being a subject not properly within their cognizance, in the same manner as in the well-known case of a special verdict in trover they would not give any judgment upon a mere finding of a demand and refusal, which is only evidence of a conversion, and not a conversion itself: a distinction which is very far from being merely verbal, and is a complete illustration of the very important distinction, which cannot be too much insisted upon between law and fact.

Before dismissing this subject it may be proper to observe, that when the case is reserved by the sessions, not upon the fact of the settlement itself, but in respect of the admission or rejection of evidence, and it is held that the decision upon that point is erroneous, the proper course is not to reverse the order, but to remand the case to the sessions, to be there decided, unless it appear that the case was founded solely upon inadmissible evidence; in which case, as the exclusion of the evidence would have left no ground for the order that has been occasioned by it, the decision of the inadmissibility of the evidence should induce the reversal of the order. This distinction may be illustrated by referring to the case of admitting one of several witnesses to the same fact, who was incompetent, and which is only a ground for remanding a case, and admitting the parol evidence of rates, without a proper notice to produce them; which being the only evidence of the fact of rating, the decision that the evidence was improperly received involves the decision, that the order founded upon it should be reversed.

C. Of the effect of an order unappealed from, confirmed or reversed.

It is settled as a general rule, that an order of removal, confirmed or unappealed from, is conclusive of the settlement against all the world. According to the expression of Lord Ellenborough, in Rex *v.* Corsham, 11 East, 388.—"It is in effect a statutable certificate, that the pauper was settled at the place to which he is removed: the statute gives him a settlement there, and the fact stated by the sessions of a prior settlement elsewhere is immaterial."

Perhaps it might be convenient, if a course were adopted by which a parish, in which a person might happen to be as casual poor without any pretence of settlement there, could procure the question to be agitated between the two parishes, in one of which the real settlement confessedly is, and not be subjected to the inconvenience and expense of agitating a question, in which, eventually, it has not any interest. But I am aware that the details of such a measure would require very minute and attentive consideration.

An order of removal, whether executed or not, may, before the sessions to which the appeal is to be made, be abandoned by the mutual consent of the parish obtaining it, and the parish upon which it is made; Llanrhyeld *v.* Denbigh, B. S. C. 658; Diddlesbury, 12 East, 359. In the latter case the order was annulled by the consent of the justices making it, but that does not appear to have formed an ingredient in the decision, and did not occur in the former.

The removal of two persons, as husband and wife, is evidence as to the marriage between them, both with respect to themselves and after-born children. It was also held, in Rex *v.* St. Mary Lambeth, 6 T. R. 615, that the removal of a woman, as the wife of A. B., was conclusive evidence of the legality of the marriage, as to children previously born, and not included in the order, the court holding it to be conclusive not only on the persons removed, but also on all derivative settlements from them. This decision seems rather questionable in principle; for being a matter of estoppel contrary to the truth of the case, the judgment would seem only to conclude the immediate subject matter of it; viz. the existence of the relation of husband and wife at the time of the order, and not the legitimacy of children born at an antecedent period. See cases in the preceding part of this section, as to the effect of a removal of the wife, or person reputed as such, without the husband.

In Rex *v.* Chilverscotton, 8 T. R. 178, an order unappealed from was held conclusive, although void upon the face of it, it not appearing that the justices who made it were of the county from which it was made.

It is also agreed that an order quashed upon the merits is conclusive, so as to prevent a second removal from the same parish but that an order quashed for want of form, or other matter collateral to the settlement, as the not being chargeable, is not so. In Osgathorpe *v.* Deseworth, 2 Str. 1127, being the removal of a certificated person, it appeared that the first order was before he was chargeable, and the second after; and the court held, that the first order having been premature, the consequence was only that the party must be suffered to remain till he did become chargeable, and not to make a premature removal final for ever.

Since the statute 35 Geo. III. parties are often turned round for not being able to prove that the pauper was chargeable.

Whenever an order is set aside upon a special ground not affecting the settlement, it is very desirable that a special entry should be made of the reason, so as not to shut out the justice of the case, or to leave it open to subsequent alteration, as to the ground and reason of the decision. I have not unfrequently, however, known an application for the purpose refused, although I think that, in point of professional fairness, it ought not to be even resisted.

It is established, that an order reversed is not material as affecting a removal from third parishes.

In Honiton *v.* South Beverton, Comb. 401, it was laid down, that after the reversal of an order, two justices of the county to which the removal was made might remove the pauper back to the removing township, for it was but an execution of the order of sessions; which could not otherwise be done, because it was out of the jurisdiction of the court of sessions. In the subsequent case of Rex *v.* Milverton, 2 Bott. 712, the sessions having reversed the order, and directed the party to be sent back, it was held that they had only power to affirm or quash, and not to make a new order; and the latter part of the order was quashed. I apprehend that the case in Comberbach has not been acted upon, and is not law; and that the want of jurisdiction in the sessions would apply, *a fortiori*, to the acts of justices out of sessions.

[No. III.] 3 William and Mary, c. 11.—An Act for the better Explanation and supplying the Defects of the former Laws, for the Settlement of the Poor *.

No. III. 3 William and Mary, c. 11.

'WHEREAS one Act of Parliament made in the thirteenth and fourteenth years of his late Majesty King *Charles* the Second, intituled, *An Act for the better Relief of the Poor of this Kingdom*, (except what relates to the corporation therein mentioned, and constituted thereby) was revived and continued with some alterations, by one other Act, made in the first year of the late King *James* the Second, and have been found by experience to be good and wholesome laws, but may shortly expire:"

13 & 14 Car. 2. c. 12.

II. Be it therefore enacted by the King's and Queen's most excellent Majesties, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by authority of the same, That the said Acts, as to what relates to the settlements of the poor, shall be in force from the first day of *March* one thousand six hundred ninety-one.

13 & 14 Car. 2. c. 12. & 1 Jac. 2. c. 17. revived.

III. 'But forasmuch as the said Acts are somewhat defective and doubtful;' For supplying and explaining the same, Be it further provided and enacted by the authority aforesaid, that the forty days continuance of such person in a parish or town, intended by the said Acts to make a settlement, shall be accounted from the publication of a notice in writing, which he or she shall deliver, of the house of his or her abode, and the number of his or her family, if he or she have any, to the churchwarden or overseer of the poor, which said notice in writing the said churchwarden or overseer of the poor is or are hereby required to read, or cause to be read publickly, immediately after divine service in the church or chapel of the said parish or town, on the next Lord's day, when there shall be divine service in the same; and the said churchwarden or overseer of the poor is or are hereby required to register, or cause to be registered, the said notice in writing in the book kept for the poor's accounts.

The note of settlement must be read in the church, and registered in the poor's book.

IV. Provided always, and be it enacted, That no soldier, seaman, shipwright, or other artificer or workman employed in their Majesties service, shall have any settlement in any parish, port town, or other town, by delivery and publication of a notice in writing as aforesaid, unless the same be after the dismission of such person out of their Majesties service.

No soldier, &c. to have settlement before dismission.

V. And be it further enacted, That if any churchwarden or overseer of the

Penalty upon churchwarden refusing to read or register.

* As to all matters relating to settlements, see notes to the preceding number, *ad finem*.

No. III. 3 William and Mary, c. 11.

poor shall refuse or neglect to read or cause to be read, such notice in writing as aforesaid, in such manner, place, and time as aforesaid, he or they for every such offence (upon proof thereof by two credible witnesses upon oath, before any justice of the peace for the same county, riding, or division, city, or town corporate, where complaint thereof shall be made) shall forfeit the sum of forty shillings to the use of the party grieved, to be levied by distress and sale of the offender or offenders goods, by warrant under the hand and seal of any justice of the peace within the said jurisdictions respectively, to the constable of the parish or town where such offender or offenders dwell, the overplus, if any be, to be returned to the owner or owners; and for want of such sufficient distress, the said justice shall commit him or them to the common gaol of the said county, city, or town corporate, there to remain without bail or mainprize for the space of one month; and if any churchwarden or overseer of the poor shall refuse or neglect to register, or cause to be registered, such notice in writing as aforesaid, he or they so offending, upon the like conviction, shall forfeit the sum of forty shillings to the use of the poor of the parish or town where such offender or offenders dwell, to be levied as aforesaid, the overplus, if any be, to be returned to the owner or owners; and for want of such sufficient distress, then the said justice shall commit such offender or offenders as aforesaid, for the time aforesaid.

Serving as officer, or paying parish duties, a settlement.

VI. Provided always, and be it enacted, That if any person, who shall come to inhabit in any town or parish, shall for himself and on his own account, execute any publick annual office or charge in the said town or parish, during one whole year, or shall be charged with and pay his share towards the publick taxes or levies of the said town or parish, then he shall be adjudged and deemed to have a legal settlement in the same, though no such notice in writing be delivered and published, as is hereby before required.

Service for a year, of person without wife or child, a settlement.

VII. And it is hereby further enacted, That if any unmarried person, not having child or children, shall be lawfully hired into any parish or town for one year, such service shall be adjudged and deemed a good settlement therein, though no such notice in writing be delivered and published, as is herein before required.

Apprenticeship a settlement.

VIII. And it is hereby further enacted, That if any person shall be bound an apprentice by indenture, and inhabit in any town or parish, such binding and inhabitation shall be adjudged a good settlement, though no such notice in writing be delivered and published as aforesaid.

Appeal from justices of peace to quarter-sessions, whose order shall be final.

IX. Provided always, and be it hereby enacted, That if any person or persons shall find him, her, or themselves aggrieved by any determination, which any justice or justices of the peace shall make in any of the cases abovesaid, the said person or persons shall have liberty to appeal to the next general quarter sessions of the peace, to be held for the said county, riding, or division, city, or town-corporate, who, upon full hearing of the said appeal, shall have full power finally to determine the same.

Churchwarden must receive a person removed by warrant of two justices of peace upon 5*l.* penalty.

X. And be it further enacted, That if any person be removed by virtue of this Act, from one county, riding, city, town corporate, or liberty, to another, by warrant, under the hands and seals of two justices of the peace, the churchwardens or overseers of the poor of the said parish or town, to which the said person shall be so removed, are hereby required to receive the said person, and if he or they shall refuse so to do, he or they so refusing or neglecting (upon proof thereof by two credible witnesses upon oath before any justice of the peace of the county, riding, city, or town-corporate, to which the said person shall be so removed) shall forfeit for each offence the sum of five pounds (1), to the use of the poor of the parish or town from which the said person was removed, to be levied by distress and sale of the offender or offenders goods, by warrant under the hand and seal of any justice of the peace of the county, riding, city, or town-corporate, to which such person was removed, to the constable of the parish or town where such offen-

(1) They are also liable to indictment: R. v. Davis, 1 Bott, 338.

No. III. 3 William and Mary, c. 11.

der or offenders dwell; which warrant the said justice is hereby impowered and required to make; the overplus, if any be, to be returned to the owner or owners; and for want of sufficient distress, then the said justice shall commit the said offender or offenders to the common gaol of the said county, riding, city, or town-corporate, or liberty, there to remain without bail or mainprize for the space of forty days: Provided always, and be it hereby enacted, That all such persons who think themselves aggrieved with any such judgement of the said two justices may appeal to the next general quarter sessions of the peace to be held for the county, riding, city, town-corporate, or liberty, from which the said person was so removed.

Persons aggrieved by such removal may appeal to sessions.

XI. 'And whereas many inconveniences do daily arise in cities, towns-'corporate, and parishes, where the inhabitants are very numerous, by rea-'son of the unlimited power of the churchwardens and overseers of the 'poor, who do frequently upon frivolous pretences (but chiefly for their 'own private ends) give relief to what persons and number they think fit, 'and such persons being entered into the collection bill, do become after 'that a great charge to the parish, notwithstanding the occasion or pretence 'of their receiving collection oftentimes ceases, by which means the rates 'for the poor are daily increased, contrary to the true intent of a statute 'made in the forty-third year of the reign of her Majesty Queen *Elizabeth*, 'intituled, *An Act for the Relief of the Poor*;' For remedying of which, and preventing the like abuses for the fututre, Be it further enacted, that from and after the first day of *March*, there shall be provided and kept in every parish (at the charge of the same parish) a book or books, wherein the names of all such persons who do or may receive collection shall be registered, with the day and year when they were first admitted to have relief, and the occasion which brought them under that necessity: And that yearly in *Easter* week (or as often as it shall be thought convenient) the parishioners of every parish shall meet in their vestry or other usual place of meeting in the same parish, before whom the said book shall be produced, and all persons receiving collection to be called over, and the reasons of their taking relief examined, and a new list made and entred, of such persons as they shall think fit and allow to receive collection, and that no other person be allowed to have or receive collection at the charge of the said parish, but by authority under the hand of one justice of peace residing within such parish, or (if none be there dwelling) in the parts near or next adjoining, or by order of the justices in their respective quarter sessions, except in cases of pestilential diseases, plague, or small-pox, for and in respect of such families only as are or shall be therewith infected.

43 Eliz. c. 2.

A register to be kept of the admittances of the poor.

Parishioners yearly in Easter week shall make a list of their poor.

Farther provisions relating hereto, 9 Geo. 1. c. 7. sect. 1.

XII. 'And whereas many churchwardens and overseers of the poor, and 'other persons intrusted to receive collections for the poor, and other 'publick monies relating to the churches and parishes whereunto they do 'belong, do often mispend the said monies, and take the same to their own 'use, to the great prejudice of such parishes, and the poor, and other inha-'bitants thereof; and because that many times the judges, when actions 'are brought against such churchwardens and overseer, to recover the mo-'nies so mispent, taken, or misapplied by the persons aforesaid, refuse to 'admit the parishioners to be witnesses in such cases, who are the only per-'sons that can make proof thereof:' Wherefore, to prevent all such evil and deceitful practices of churchwardens and overseers, and other persons, Be it enacted and declared, that in all actions to be brought in their Majesties Courts of Record at *Westminster*, or at the assizes, for the recovery of any sum or sums of money so mispent or taken by churchwardens or overseers of the poor, the evidence of the parishioners, or any of them, other than of such as receive alms or any pension or gift out of such collections or publick monies of such parish or parishes respectively, whereof the defendant or defendants is or are inhabitant or inhabitants, shall be taken and admitted in all such cases in the courts aforesaid; any custom, rule, order, or usage to the contrary notwithstanding.

Parishioners, except almsmen, may be evidence against churchwardens, &c. of their mispending the poor's money.

[No. IV.] 8 and 9 William III. c. 30.—An Act for sup-

No. IV.

8 and 9 William III. c. 30.

43 Eliz. c. 2.

plying some Defects in the Laws for the Relief of the Poor of this Kingdom.

'FORASMUCH as many poor persons chargeable to the parish, town-
'ship or place, where they live, merely for want of work, would in
'any other place where sufficient employment is to be had, maintain
'themselves and families, without being burthensome to any parish, town-
'ship or place, but not being able to give such security as will or may be
'expected and required upon their coming to settle themselves in any
'other place, and the certificates that have been usually given in such
'cases having been oftentimes construed into a notice in hand writing,
'they are for the most part confined to live in their own parishes, town-
'ships or places, and not permitted to inhabit elsewhere, though their
'labour is wanted in many other places, where the increase of manufac-
'tures would employ more hands;' Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, That if any person or persons whatsoever, that from and after the first day of *May*, which shall be in the year of our Lord one thousand six hundred ninety-seven, shall come into any parish or other place there to inhabit and reside, shall at the same time procure, bring and deliver to the churchwardens or overseers of the poor of the parish or place (1) where any such person shall come to inhabit, or to any or either of them, a certificate under the hands and seals of the churchwardens and overseers of the poor of any other parish, township or place (2), or the major part of them (3), or under the hands and seals of the overseers of the poor of any other place where there are no churchwardens, to be attested respectively by two or more credible witnesses, thereby owning and acknowledging the person or persons mentioned in the said certificate to be an inhabitant or inhabitants legally settled in that parish, township or place, every such certificate, having been allowed of and subscribed by two or more of the justices of the peace (4) of the county, city, liberty, borough or town-corporate, wherein the parish or place, from whence any such certificate shall come, doth lie, shall oblige the said parish or place to receive and provide for the person mentioned in the said certificate, together with his or her family (5), as inhabitants of that parish, whenever he, she, or they shall happen to become chargeable to, or be forced to ask relief of the parish, township or place, to which such certificate was given; and then, and not before, it shall and may be lawful for any such person, and his or her children, though born in that parish, not having otherwise acquired a legal settlement there, to be removed, conveyed and settled, in the parish or place from whence such certificate was brought.

Persons coming to inhabit in any parish, are to bring with them a certificate under the hands of the churchwardens, &c. of the parish to which they belong.

Such witness to swear to the execution of certificates, &c.
3 George II. c. 19. s. 8.

---

(1) The certificate need not to be directed to a particular parish, but it is only operative in respect of the parish to which it is first actually delivered; Lillington, 1 E. 438. Qy. if a particular parish must not be in contemplation; Lubbenham, 4 T. R. 251. It is not conclusive as to the settlement at the time of granting it in favour of a third parish; id.: and the parish to which the certificate is delivered may remove to a third parish where the settlement actually is; St. Martin at Oak, 16 E. 303.

(2) Certificate expressed to be by C. and O. of the parish of A. of settlement of S. in the said parish, may be shewn to have been granted by officers of the hamlet of S. maintaining its own poor; Samborn, 3 T. R. 609.

(3) A certificate by any number less than the majority of churchwardens and overseers, is not sufficient—as by two churchwardens out of six, and two overseers out of four; St. Michael's v. Tamworth, B. S. C. 770; Margam, 1 T. R. 775: by a sole overseer; Clifton, 1 E. 168 (see Notes 13 and 14 Ch. II. c. 12, ante No. 2; 43 Eliz. c. 2, ante No. 1): nor by two persons (both churchwardens) and one sole overseer; St. Margaret's, Leicester, 8 E. 332. Qu. as to the case where more than four are appointed; see Clifton, ub. sup.; Wymondham, 6 T. R. 552; and see Statute 54 Geo. III. c. 107, post.

(4) The justices may also be the witnesses; Boston, 2 Bott. 613.

(5) The effect of the certificate only extends to the persons named in it and their children, and not to the grandchildren, whose parents are not named; Darlington, 4 T. R. 797; Heath, 5 T. R. 583; Mortlake, 6 E. 397: but it extends to all children expressly named, and their children; Testerton, 5 T. R. 258; Batheaston, 8 T. R. 448. Where the certificate mentioned father, mother, and two younger children, and the eldest child, who got his own living, was purposely left

No. IV. 8 and 9 William III. c. 30.

II. And to the end that the money raised only for the relief of such as are as well impotent as poor, may not be misapplied and consumed by the idle, sturdy, and disorderly beggars; Be it further enacted by the authority aforesaid, That every such person as from and after the first day of *September*, one thousand six hundred and ninety-seven, shall be upon the collection, and receive relief of any parish or place, and the wife and children of any such person cohabiting in the same house (such child only excepted, as shall be by the churchwardens and overseers of the poor permitted to live at home, in order to have the care of and attend an impotent and helpless parent) shall upon the shoulder of the right sleeve of the uppermost garment of every such person, in an open and visible manner, wear such badge (6) or mark as is herein after mentioned and expressed, that is to say, a large Roman P. together with the first letter of the name of the parish or place whereof such poor person is an inhabitant, cut either in red or blue cloth, as by the churchwardens and overseers of the poor it shall be directed and appointed. And if any such poor person shall at any time neglect or refuse to wear such badge or mark, as aforesaid, and in manner as aforesaid, it shall and may be lawful for any justice of the peace of the county, city, liberty, or town-corporate, where any such offence shall be committed, upon complaint to him for that purpose to be made, to punish every such offender for every such offence, either by ordering of his or her relief or usual allowance on the collection to be abridged, suspended, or withdrawn, or otherwise by committing of any such offender to the house of correction, there to be whipt and kept to hard labour, for any number of days not exceeding one and twenty, as to the said justice in his discretion it shall seem most meet; and if any such churchwarden or overseer of the poor, from and after the said first day of *September*, shall relieve any such poor person not having and wearing such badge or mark, as aforesaid, being thereof convicted, upon the oath of one or more credible witness or witnesses, before any justice of the peace of the county, city, liberty, or town-corporate, where any such offence shall be committed, shall forfeit for every such offence the sum of twenty shillings, to be levied by distress and sale of the goods of every such offender, by warrant under the hand and seal of any such justice; one moiety thereof to be to the use of the informer, and the other to the poor of the parish where the offence shall be committed.

Persons receiving alms to wear a badge on the shoulder of the right sleeve.

Penalty on refusal.

Penalty on churchwarden, &c. relieving poor persons not wearing such badge.

III. And, for the more effectual preventing of vexatious removals and frivolous appeals; Be it further enacted by the authority aforesaid, That the justices of the peace of any county or riding, in their general or quarter sessions of the peace, upon any appeal before them there to be had, for and concerning the settlement of any poor person, or upon any proof before them there to be made, of notice of any such appeal to have been given by the proper officer to the churchwardens or overseers of the poor of any parish or place (though they did not afterwards prosecute such appeal) shall, at the same quarter sessions, award and order to the party

Justices, on appeal to them concerning the settlement of any poor persons, to award costs.

---

out, and the certificate was held not to extend to him, as one of his father's family; Storrington, 7 T. R. 133.

The certificate extends to the children named therein, as being original parties, and to their families: Batheaston, 8 T. R. 448; Testerton, 5 T. R. 258: to children not named, leaving the certificated parish, and returning again to their parents or families, under age; Bedworth *v.* Keel, Caldec. 605; Ingworth, 8 T. R. 339: but not to children not named, who have become heads of families of their own; Darlington, 4 T. R. 797; Heath, 5 T. R. 583; Mortlake, 5 T. R. 258: or who are under circumstances amounting to an emancipation; Mosley, 2 M. and S. 417: notwithstanding the certificate engage to receive the parties named, and their child or children, born or to be born; Thwaites, 1 M. and S. 669. It extends to a second wife of a person married to another woman at the time of granting the certificate, after her husband's death; Hampton, 5 T. R. 266: to a child, of which the certificate states, that a single woman was pregnant at the time of granting it: Ipsley, B. S. C. 650; but not to future illegitimate children, although so expressed; Mathon, 7 T. R. 362. The certificate is conclusive evidence, as between the particular families, with respect to the marriage of persons therein acknowledged as husband and wife; New Windsor, *v.* White Waltham, 1 Str. 186; Hedcorn *v.* Maidstone, B. S. C. 253; Tostock *v.* Islame, B. S. C. 737; Ullesthorpe, 8 T. R. 372.

(6) Repealed 50 Geo. III. c. 52.

No. IV. 8 and 9 William III. c. 30.

for whom and in whose behalf such appeal shall be determined, or to whom such notice did appear to have been given, as aforesaid, such costs and charges in the law, as by the said justices in their discretion shall be thought most reasonable and just, to be paid by the churchwardens, overseers of the poor, or any other person, against whom such appeal shall be determined, or by the person that did give such notice, as aforesaid; and if the person ordered to pay such costs shall happen to live in any county, riding, city, or town-corporate, or elsewhere, out of the jurisdiction of the said court, it shall and may be lawful for any justice of the peace of the county, riding, city, liberty, or town-corporate, wherein such person shall inhabit, and every such justice is hereby required, upon request to him for that purpose to be made, and a true copy of the order for the payment of such costs produced, and proved by some credible witness upon oath, by warrant under his hand and seal, to cause the money mentioned in that order to be levied by distress and sale of the goods of the person that is ordered and ought to pay the same; and if no such distress can or may be had, to commit such person to the common gaol of that county or liberty, there to remain by the space of twenty days

Single persons not deemed to have a good settlement in any parish under a year's continuance.

'IV. And whereas some doubts have arisen touching the settlement of 'unmarried persons not having child or children lawfully hired into any 'parish or town for one year;' Be it therefore enacted and declared by the authority aforesaid, That no such person so hired as aforesaid, shall be adjudged or deemed to have a good settlement in any such parish or township, unless such person shall continue and abide in the same service during the space of one whole year.

43 Eliz. c. 2.

'V. And whereas by an Act made in the three and fortieth year of the 'reign of Queen *Elizabeth*, intituled, *An Act for the Relief of the Poor*, 'it is amongst other things enacted, That it shall be lawful for the church-'wardens and overseers of the poor of any parish, or the greater part of 'them, by the assent of two justices of the peace, whereof one to be of the '*Quorum*, to bind poor children apprentices, where they shall see conve-'nient; but there being doubts whether the persons to whom such children 'are to be bound, are compellable to receive such children as apprentices, 'that law hath failed of its due execution;' Be it therefore enacted and declared by the authority aforesaid, That where any poor children shall be appointed to be bound apprentices, pursuant to the said Act, the person or persons, to whom they are so appointed to be bound, shall receive and provide for them, according to the indenture signed and confirmed by the two justices of the peace, and also execute the other part of the said indentures; and if he or she shall refuse so to do, oath being thereof made by one of the churchwardens, or overseers of the poor, before any two of the justices of the peace for that county, liberty, or riding, he or she for every such offence shall forfeit the sum of ten pounds, to be levied by distress and sale of the goods of any such offender, by warrant under the hands and seals of the said justices, the same to be applied to the use of the poor of that parish or place where such offence was committed; saving always to the person, to whom any poor child shall be appointed to be bound an apprentice as aforesaid, if he or she shall think themselves aggrieved thereby, his or her appeal to the next general or quarter sessions of the peace for that county or riding, whose order therein shall be final (7), and conclude all parties.

Directions relative to poor children bound apprentices pursuant te the Act 43 Eliz. c. 2.

---

(7) An indictment also lies for refusing to take an apprentice; R. *v.* Gould, 1 Salk. 381; and see 2 Bur. 799. An occupier of lands within the parish, although residing elsewhere, is bound to accept an apprentice; R. *v.* Clapp, 3 T. R. 107. So one of several partners, occupying lands jointly, and although some of such occupiers reside within the parish; R. *v.* Barwick, 7 T. R. 33. So in the case of incorporated districts, under 20 Geo. III. c. 36; Rex *v.* Guardians of the Poor in Tunstead and Wapping, 3 T. R. 523. The master is not compellable to covenant for the payment of wages, or for finding the apprentice with cloathes at the end of the the term; R. *v.* Wagstaff, Foley, 205.

It is evident that the original policy of the Acts establishing the binding of parish apprentices, had principally in view the relieving the burthen of the parish, by imposing the charge upon individuals; but in modern times a practice has prevailed to an alarming

No. IV. 8 and 9 William III. c. 30.

VI. And be it further enacted by the authority aforesaid, That from and after the first day of *May*, one thousand six hundred ninety-seven, the appeal against any order for the removal of any poor person from out of any parish, township or place, shall be had, prosecuted, and determined, at the general or quarter sessions of the peace for the county, division, or riding, wherein the parish, township, or place, from whence such poor person shall be removed, doth lie, and not elsewhere; any former law or statute to the contrary thereof in any wise notwithstanding.

Appeal against any order for removal of poor persons to be determined at the quarter-sessions.

VII. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to make void any promise or engagement already made by the churchwardens or overseers of the poor of any parish, township, or place, to receive and take back any persons, in case they should become poor, and want relief.

This Act not to make void any promise of churchwardens, &c.

VIII. Provided, That this Act, nor any thing therein contained, shall be construed to hinder the justices of the peace within the liberty of Saint *Albans*, from hearing and determining any appeals for the settlement of the poor in their quarter sessions, as they might have done before the making of this Act; any thing therein contained to the contrary in any wise notwithstanding.

Appeals for settling their poor.

---

extent, of binding children from the populous parishes of the metropolis to persons at a distance, engaged in manufactures, whereby a very heavy burthen has been cast upon the parishes where those establishments might happen to be. The subject has lately engaged the attention of the Legislature, and a very judicious report was presented to the House of Commons, in which it appeared that in many parishes the practice was carried on to a very great extent, although, from the forbearance of it in other parishes of equal population, it was evidently unnecessary; and a culpable inattention appeared to exist in the magistrates of some districts, who signed the allowance of indentures as matter of course, and even in blank. To prevent the binding of children at a distance from their connections, and to improper persons, merely to answer the purpose of relieving the original parish of the settlement, a Bill passed the House of Commons for the purpose of prohibiting the binding beyond a limited distance; and also requiring that indentures should be allowed as well by the magistrates of the county into which the binding was, as of that from which the child was bound: but some of the modifications being disapproved of in the House of Lords, the measure assumed a new cast, and did not pass into a law. One of the provisions suggested was, that no settlement should be gained by a parish apprentice under a certain age; or in case of non-compliance with the proposed provision; or until after a certain length of service. To this it was objected by persons of great rank and influence, but probably of no great practical experience in respect of the Poor Laws, that it would be hard to punish the innocent apprentice by depriving him of his settlement, on account of the faults of others. It was hardly to be expected, that the exploded notion of the advantage of gaining a settlement would be now seriously insisted upon; and while this supposed grievance was made the ground of objection, the important consideration was overlooked, that under such arrangements the parish to which the child belonged would no longer be exposed to the temptation of getting rid of a settlement by a mere service of forty days, but would have an inducement for applying a greater degree of caution in selecting the persons to whom the apprentice was intrusted; and also for exercising a proper degree of vigilance as to his subsequent treatment. In the great manufacturing district with which I am immediately connected, no indentures are allowed until after the child has been at least a month with the intended master, and is privately examined as to the treatment which he has received, and his inclination to enter into the contract.

It is conclusively in the discretion of the sessions to judge of the fitness of the binding; Minchamp's case, 2 Salk. 491.

[No. V.] 9 and 10 William III c. 11.—An Act for explaining an Act made the last Session of Parliament, intituled, *An Act for supplying some Defects in the Laws for the Relief of the Poor of this Kingdom.*

'WHEREAS in and by a certain Act made in the last Session of this present Parliament, intituled, *An Act for supplying some Defects in the Laws for the Relief of the Poor of this Kingdom*; it was, amongst other

No V. 9 and 10 William III. c. 11.

8 and 9 W. 3. c. 30.

'things therein contained, enacted, That if any person or persons whatsoever, that from and after the first day of *May* in the year of our 'Lord one thousand six hundred ninety-seven, shall come into any parish 'or place, there to inhabit and reside, shall at the same time procure, 'bring, and deliver to the churchwardens, or overseers of the poor of 'the parish or place where any such person should come to inhabit, or to 'any or either of them, a certificate under the hands and seals of the 'churchwardens and overseers of the poor of any other parish, township, 'or place, or the major part of them, or under the hands and seals of the 'overseers of the poor of any other place where there are no churchwardens, to be attested respectively by two or more credible witnesses, thereby 'owning and acknowledging the person or persons, mentioned in the said 'certificate, to be an inhabitant or inhabitants legally settled in that parish, 'township, or place; every such certificate, having been allowed of and 'subscribed by two or more of the justices of the peace of the county, city, 'liberty, borough, or town-corporate, wherein the parish or place from 'whence any such certificate shall come doth lie, shall oblige the said 'parish or place to receive and provide for the person mentioned in the 'certificate, with his or her family, as inhabitants of that parish, whenever 'he, she or they shall happen to become chargeable to, or be forced to ask 'relief of the parish, township, or place, to which such certificate was 'given; and that then and not before, it should and might be lawful for 'any such person, and his or her children, though born in that parish, not 'having otherwise acquired a legal settlement there, to be removed, conveyed, and settled in the parish or place from whence such certificate was 'brought: And whereas some doubts have arisen upon the construction of 'the said Act, by what acts any person coming to inhabit or reside within 'any parish, by virtue of any such certificate as aforesaid, may procure a 'legal settlement in such parish, and whether such certificate did not 'amount to a notice in writing in order to gain a settlement;' For explaining thereof and of the said Act, Be it therefore enacted and declared by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, That no person or persons whatsoever, who shall come into any parish, by any such certificate as aforesaid, shall be adjudged by any Act whatsoever to have procured a legal settlement in such parish, unless he or they shall really and *bona fide* take a lease of a tenement of the value * of ten pounds, or shall execute some annual office in such parish, being legally placed in such office (1).

No person adjudged to have a legal settlement in any parish, unless he rent a tenement of 10*l.* per ann. or execute some parish office.

* 'Examined with the record.'

(1) Notwithstanding the express terms of the statute, it is established, that a certificate does not prevent the acquisition of a settlement by estate. With respect to the persons to whom the certificate extends, see the preceding Number, Sec. 1, and Notes. It has been long established, that the effect of a certificate in preventing a settlement, is determined by the acquisition of a settlement in a third parish, or by a removal order to the parish certifying; and more recently it has been determined, that a certificate is discharged by leaving the certified parish without any intention of returning; Newington *v.* Mersham, 1 T. R. 354; St. Michael's, Coventry, 8 T. 339. But a temporary removal, as when a person goes to make a visit, or on occasional business, does not affect the certificate; Dict. ibid.

P. [No. VI.] 12 Anne, st. 1. c. 18.—An Act for making perpetual the Act made in the thirteenth and fourteenth Years of the Reign of the late King *Charles* the Second, intituled, *An Act for the better Relief of the Poor of this Kingdom*; and that Persons bound Apprentices to, or being hired Servants with Persons coming with Certificates, shall not gain Settlements by such Services or Apprenticeships: And for making perpetual the Act made in the sixth Year of her present Majesty's Reign, intituled, *An Act for*

the Importation of Cochineal from any Ports in Spain, *during the present War, and six Months longer:* And for reviving a Clause in an Act made in the ninth and tenth Years of the Reign of the late King *William*, intituled, *An Act for settling the Trade to* Africa, *for allowing foreign Copper Bars imported, to be exported.*

No. VI.
12 Anne, st. 1. c. 18.

'WHEREAS an Act made in the thirteenth and fourteenth years of the reign of the late King *Charles* the Second, intituled, *An Act for the better Relief of the Poor of this Kingdom*, was enacted, to have continuance (except what related to the corporation therein mentioned, and thereby constituted) only until the twenty-ninth day of *May* one thousand six hundred sixty-five, and from thence to the end of the first Sessions of the next Parliament; which said Act, by an Act made in the first year of the reign of the late King *James* the Second (except what related to the corporations therein mentioned, and thereby constituted) was enacted to be in force from the first day of *May*, one thousand six hundred eighty-five, and so to continue for the space of seven years, and from thence to the end of the next Sessions of Parliament; and by an Act made in the third and fourth years of the reign of King *William* and Queen *Mary* the said Act (as to what therein related to the settlement of the poor) was enacted to be in force from the first day of *March* one thousand six hundred ninety-one; but no provision was thereby made for continuing divers other parts of the said Act, which said Act, intituled, *An Act for the better Relief of the Poor of this Kingdom*" as to all parts thereof, not mentioned and continued in and by the said Act, made in the third and fourth years of their late Majesties, other than and except what relates to the corporations mentioned in the said Act [For the better Relief of the Poor of this Kingdom] and thereby constituted, was, by an Act made in the fourth and fifth years of the reign of their late Majesties, continued only for the space of seven years, from the thirteenth day of *February* one thousand six hundred ninety-two, and from thence to the end of the next Session of Parliament; which said Act afterwards by an Act of the eleventh and twelfth years of the reign of the late King *William* the Third, intituled, *An Act for continuing several Laws therein mentioned*, was continued only for seven years, from the twenty-ninth day of *September* one thousand seven hundred; and which said Act of the thirteenth and fourteenth years of the reign of the said late King *Charles* the Second, intituled, *An Act for the better Relief of the Poor of this Kingdom*, by an Act made in the fifth year of the reign of her present Majesty, intituled, *An Act for continuing the Laws therein mentioned relating to the Poor, and to the Buying and Selling of Cattle in* Smithfield, *and for suppressing of Piracy*, was enacted to be in force from the twenty-fifth day of *March* one thousand seven hundred and seven (except what relates to the corporations therein mentioned, and thereby constituted), only for seven years, and from thence to the end of the next Sessions of Parliament; which said Act of the thirteenth and fourteenth years of the reign of the said late King *Charles* the Second, intituled, *An Act for the better Relief of the Poor of this Kingdom*, being found to be a very useful and necessary law, and being near expiring;' Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That the said Act made in the thirteenth and fourteenth years of the said late King *Charles* the Second, intituled, *An Act for the better Relief of the Poor of this Kingdom*, shall be and is hereby made perpetual.

13 & 14 Car. 2. c. 12.
1 Jac. 2. c. 17.
3 & 4 W. & M. c. 11.
4 & 5 W. & M. c. 24. § 11.
11 & 12 W. 3. c. 13.
5 Ann. c. 34.
Amended by 11 Geo. 1. c. 29.
13 & 14 Car. 2. c. 12. made perpetual.

II. 'And whereas by an Act made in the eighth and ninth years of the reign of the late King *William* the Third, intituled, *An Act for supplying some Defects in the Laws for the Relief of the Poor of this Kingdom*, it was amongst other things enacted, in the words following, *(viz.,)* That if any person or persons whatsoever, that from and after the first day of *May* one thousand six hundred ninety-seven, shall come into any parish, or

8 & 9 W. 3. c. 30.

No. VI. 12 Anne, st. 1. c. 18.

'other place, there to inhabit or reside, shall, at the same time, procure, 'bring, and deliver to the churchwardens or overseers of the poor of the 'parish or place where any such person shall come to inhabit, or to any or 'either of them, a certificate under the hands and seals of the church-'wardens and overseers of the poor of any other parish, township, or place, 'or the major part of them, or under the hands and seals of the overseers 'of the poor of any other place, where there are no churchwardens, to be 'attested respectively by two or more credible witnesses, thereby own-'ing and acknowledging the person or persons mentioned in the said cer-'tificate, to be an inhabitant or inhabitants legally settled in that parish, 'township, or place, every such certificate having been allowed of and 'subscribed by two or more of the justices of the peace of the county, city, 'liberty, borough, or town corporate, wherein the parish or place, from 'whence any such certificate shall come, doth lie, shall oblige the said pa-'rish or place to receive and provide for the person mentioned in the said 'certificate, together with his or her family, as inhabitants of that parish, 'whenever he, she, or they shall happen to become chargeable to or be 'forced to ask relief of the parish, township, or place, to which such cer-'tificate was given; and then, and not before, it shall and may be lawful 'for any such person, and his or her children, though born in that parish, 'not having otherwise acquired a legal settlement there, to be removed, 'conveyed, and settled in the parish or place from whence such certificate 'was brought: And whereas many persons obtaining and bringing such cer-'tificates, do frequently take apprentices, bound by indenture, and hire 'and keep servants by the year, who, by reason of such apprenticeships 'and services, do gain settlements in, and become a great burden to such 'parishes, townships, and places, though such masters coming with such 'certificates have, by virtue thereof, no settlements in such parishes, town-'ships, or places:' For remedy whereof, it is declared and enacted by the authority aforesaid, That if any person whatsoever, who, upon or after the four and twentieth day of *June* one thousand seven hundred and thirteen, shall be an apprentice, bound by indenture to, or shall, upon or after the said four and twentieth day of *June* one thousand seven hundred and thirteen, be a hired servant to or with any person whatsoever, who did come into, or shall reside in, any parish, township, or place, in that part of *Great Britain* called *England*, by means or licence of such certificate, and not afterwards having gained a legal settlement in such parish, township, or place, such apprentice, by virtue of such apprenticeship, indenture, or binding, and such servant, by being hired by, or serving as a servant as aforesaid to such person, shall not gain, or be adjudged to have, any settlement in such parish, township, or place, by reason of such apprenticeship or binding, or by reason of such hiring or serving therein; but every such apprentice and servant shall have his and their settlements in such parish, township, or place, as if he or they had not been bound apprentice or apprentices, or had not been an hired servant or servants to such person, as aforesaid; any Act or Acts of Parliament to the contrary notwithstanding (1).

Person bound apprentice, or being a hired servant, to one who came into a parish by certificate, shall not gain a settlement.

(1) The Act extends to a service with the widow of the certificated person; Hampton, 5 T. R. 266: to a service with the certificated person of the apprentice of another person not having a certificate; Romsey *v.* St. Michael's, Southampton, B. S. C. 640: to the service of the apprentice of the certificated person with another person by agreement or assignment; Hinckley, 4 T. R. 371.

[No. VII.] 5 George I. c. 8.—An Act for the more effectual Relief of such Wives and and Children as are left by their Husbands and Parents, upon the Charge of the Parish.

No. VII. 5 Geo. I. c. 8.

I. 'WHEREAS divers persons run or go away from their places of abode 'into other counties or places, and sometimes out of the kingdom, 'some men leaving their wives, a child or children, and some mothers run

No. VII. 5 Geo. I. c. 8.

'or go away, leaving a child or children, upon the charge of the parish or 'place where such child or children was or were born, or last legally set- 'tled, although such persons have some estates, which should ease the 'parish of their charge, in whole or in part:' May it please your Majesty therefore that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That it shall and may be lawful for the churchwardens or overseers of the poor of such parish or place where any such wife, or child, or children shall be so left, upon application to, and by warrant or order from any two justices of the peace, to take and seize so much of the goods and chattels, and receive so much of the annual rents and profits of the lands and tenements of such husband, father or mother, as such two justices of the peace, as aforesaid, shall order or direct, for or towards the discharge of the parish or place where such wife, child or children are left, for the bringing up and providing for such wife, child or children; which warrant or order being confirmed at the next quarter-sessions, it shall be lawful for the justices of such quarter-sessions to make an order for the churchwardens or overseers for the poor of such parish or place, to dispose of such goods and chattels by sale, or otherwise, or so much of them, for the purposes aforesaid, as the court shall think fit, and to receive the rents and profits, or so much of them as shall be ordered by the sessions as aforesaid, of his or her lands and tenements, for the purposes aforesaid.

Churchwardens, &c. may, by warrant from two justices, seize the goods, &c. of husbands and parents, who leave their wives and children upon the parish.

II. And be it enacted by the authority aforesaid, That the churchwardens and overseers aforesaid shall be accountable to the justices at the quarter-sessions for all such money as they, or any of them, shall receive by virtue of this Act.

Churchwardens, &c. to be accountable to justices in sessions.

[No. VIII.] 9 George I. c. 7.—An Act for amending the Laws relating to the Settlement, Imployment, and Relief of the Poor.

No. VIII. 9 Geo. I. c. 7.

3 & 4 W. & M. c. 11. st. 11.

I. 'WHEREAS by an Act of Parliament made and passed in the third 'and fourth years of the reign of their late Majesties King *William* 'and Queen *Mary*, it was provided, That in every parish a book or books 'should be kept, wherein the names of all persons who did or might re- 'ceive collections should be registered, with the time when they were 'first admitted to such relief, and the occasion which brought them under 'that necessity; and that no such person should be allowed to have or re- 'ceive collection at the charge of the parish, but by authority or under the 'hand of one justice of the peace residing in such parish, or if none there 'dwelling, in the parts near or next adjoining, or by order of the justices 'at their quarter-sessions, except in case of pestilential diseases, plague or 'small-pox: And whereas, under colour of the proviso in the said Act, 'many persons have applied to some justices of peace, without the know- 'ledge of any officers of the parish, and thereby upon untrue suggestions, 'and sometimes upon false or frivolous pretences, have obtained relief, 'which hath greatly contributed to the increase of the parish rates:' For remedy whereof, Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the twenty-fifth day of *March* which shall be in the year of our Lord one thousand seven hundred and twenty-three, no justice of peace shall order relief to any poor person dwelling in any parish, until oath be made before such justice of some matter which he shall judge to be a reasonable cause or ground for having such relief, and that the same person had by himself, herself, or some other, applied for relief to the parishioners of the parish, at some vestry or other public meeting of the said parishioners, or to two of the overseers of the poor of such parish, and was by them refused to be relieved, and until such justice hath summoned two of the overseers of the poor to shew cause why such re-

No poor to be relieved till oath made of a reasonable cause,

No. VIII. 9 Geo. I. c. 7.

lief should not be given, and the person so summoned hath been heard or made default to appear before such justice; any thing in the said proviso, or any law to the contrary notwithstanding.

or longer than the cause continues.

II. And be it further enacted by the authority aforesaid, That the person whom any such justice of peace shall think fit to order to be relieved, shall be entered in such book or books so to be kept by the parish, as one of those who is to receive collection, as long as the cause for such relief continues, and no longer; and that no officer of any parish shall (except upon sudden and emergent occasions) bring to the account of the parish any monies he shall give to any poor person of the same parish, who is not registered in such book or books to be kept by the said parish, as a person entitled to receive collection, on pain of forfeiting the sum of five pounds, to be levied by distress and sale, by warrant of any two or more justices of the peace of the same county, who shall have examined into and found him guilty of such offence; which said sum shall be applied to and for the use of the poor of the said parish, by direction of the said justice or justices of the peace.

Justices dwelling out of a county may grant warrants, &c.

III. And for the greater ease of justices of the peace, whom his Majesty or his successors hath or shall by commission authorize to act as a justice of the peace for any county of this realm; Be it enacted by the authority aforesaid, That if any such justice of the peace shall happen to dwell in any city, or other precinct that is a county of itself, situate within the county at large, for which he shall be appointed justice of peace, although not within the same county, it shall and may be lawful for any such justice of peace to grant warrants, take examinations, and make orders for any matters, which any one or more justice or justices of the peace, may act in, at his own dwelling-house, although such dwelling-house be out of the county where he is authorized to act as a justice of peace, and in some city or other precinct adjoining, that is a county of itself; and that all such warrants, orders, and other act or acts of any justice of peace, and the act or acts of any constable, tithingman, headborough, overseer of the poor, surveyor of the highways or other officer, in obedience to any such warrant or order, shall be as valid, good and effectual in the law, although it happen to be out of the limits of the proper precinct or authority: Provided always that nothing in this Act contained shall extend to give power to the justices of peace for the counties at large, to hold their general quarter-sessions of the peace in the cities or towns which are counties of themselves, nor to impower justices of peace, sheriffs, bailiffs, constables, headboroughs, tithingmen, borsholders or any other peace-officers of the counties at large, to act or intermeddle in any matters or things arising within cities or towns which are counties of themselves, but that all such actings and doings shall be of the same force and effect in law, and none other, as if this Act had never been made.

Churchwardens, &c. may purchase, &c. houses to lodge or employ the poor in.

IV. And for the greater ease of parishes in the relief of the poor, be it further enacted by the authority aforesaid, That it shall and may be lawful for the churchwardens and overseers (1) of the poor in any parish, town, township, or place, with the consent of the major part of the parishioners, or inhabitants of the same parish, town, township, or place, in vestry, or other parish or public meeting for that purpose assembled, or of so many of them as shall be so assembled, upon usual notice thereof first given, to purchase or hire any house or houses in the same parish, township or place, and to contract with any person or persons for the lodging, keeping, maintaining and employing any or all such poor in their respective parishes, townships or places, as shall desire to receive relief or collection from the same parish, and there to keep, maintain and employ all such poor persons, and take the benefit of the work, labour and service of any such poor person or persons, who shall be kept or maintained in any such house or houses, for the better maintenance and relief of such poor person or persons, who shall be there kept and maintained; and in case any poor person or persons of any parish, town, township or place where such house or houses shall be so purchased or hired, shall refuse to be lodged, kept or

Poor refusing to be lodged, &c. are not entitled to relief.

(1) The act of the majority is binding on the rest; R. v. Beeston, 3 T.R. 592.

maintained in such house or houses, such poor person or persons so refusing shall be put out of the book or books where the names of the persons, who ought to receive collection in the said parish, town, township or place, are to be registered, and shall not be entitled to ask or receive collection or relief from the churchwardens and overseers of the poor of the same parish, town or township;(2) and where any parish, town or township shall be too small to purchase or hire such house or houses for the poor of their own parish only, it shall and may be lawful for two or more such parishes, towns or townships or places, with the consent of the major part of the parishioners or inhabitants of their respective parishes, town, township or places, in vestry or other parish or publick meeting for that purpose assembled, or of so many of them as shall be so assembled, upon usual notice thereof first given, and with the approbation of any justice of peace dwelling in or near any such parish, town or place, signified under his hand and seal, to unite in purchasing, hiring, or taking such house(3) for the lodging, keeping and maintaining of the poor of the several parishes, townships or places so uniting, and there to keep, maintain and employ the poor of the respective parishes so uniting, and to take and have the benefit of the work, labour or service of any poor there kept and maintained, for the better maintenance and relief of the poor there kept, maintained and employed; and that if any poor person or persons in the respective parishes, townships or places so uniting, shall refuse to be lodged, kept and maintained in the house, hired or taken for such uniting parishes, townships or places, he, she, or they so refusing, shall be put out of the collection-book, where his, her, or their names were registered, and shall not be entitled to ask or demand relief or collection from the churchwardens and overseers of the poor in their respective parishes, townships or places; and that it shall and may be lawful for the churchwardens and overseers of the poor of any parish, township or place, with the consent of the major part of the parishioners or inhabitants of the said parish, township or place where such house or houses is, are, or shall be purchased or hired for the purposes aforesaid, in vestry, or other parish or publick meeting, for that purpose assembled, or of so many of them as shall be so assembled, upon usual notice thereof first given, to contract with the churchwardens and overseers of the poor of any other parish, township or place, for the lodging, maintaining or employing of any poor person or persons of such other parish, township or place, as to them shall seem meet; and in case any poor person or persons of such other parish, township or place, shall refuse to be lodged, maintained and employed in such house or houses, he, she, or they so refusing, shall be put out of the collection-book of such other parish, township or place, where his, her, or their names were registered, and shall not be entitled to ask, demand or receive any relief or collection from the churchwardens and overseers of

One parish, &c. being too small for such purchase, two may unite, &c

Churchwardens, &c. of one parish may contract with those of another, &c.

(2) It was held that overseers were justified in refusing obedience to an order for payment of a weekly sum to a woman for the maintenance of *herself and* her bastard children: they offering to take them into the workhouse; Carlisle, cited Rex v. Haigh, 3 T. R. 637. In the case of North Shields, Doug. 316. Cald. 68, Willes and Buller J. expressed an opinion in favour of an order for payment of a weekly sum to a married woman for the support of her children by her husband; Ashurst contra; but the case was determined on another ground. In Rex v. Haigh, 3 T. R. 637, it was held that overseers were indictable for disobedience of an order for a weekly payment to a woman for the maintenance of her bastard child; the mother refusing to go into the workhouse. Lord Kenyon said it would be contrary to the spirit and words of the Act of Parliament, if, when all the children of a family except one were capable of supporting themselves, and that one were unable to maintain itself, and were under the necessity of receiving relief, the whole family was to be sent to the workhouse. It is however manifest, that in whatever form the order may be made, the relief is, in these cases, given substantially to the head of the family; but the case of bastards may be very distinguishable from that of legitimate children.—As to relief out of workhouses, see post. 36 Geo. III. c. 23.

(3) When two parishes unite, the house may be established in a third parish: and Q. whether it is not, with respect to settlements, &c. to be considered as part of the united parishes to which it belongs, rather than that of the parish in which it is locally situate; St. Peter and St. Paul, in Bath, Caldec. 213.

No. VIII. 9 George I. c. 7.

the poor of his, her, or their respective parish, township or place: Provided always, That no poor person or persons, his, her, or their apprentice, child or children, shall acquire a settlement in the parish, town or place, to which he, she, or they are removed by virtue of this Act, but that his, her, or their settlement, shall be and remain in such parish, town or place, as it was before such removal; any thing in this Act to the contrary notwithstanding.

Settlements to be as before removal.

Settlement, how to be acquired by purchase.

V. And be it further enacted by the authority aforesaid, That from and after the twenty-fifth day of *March*, which shall be in the year of our Lord one thousand seven hundred and twenty-three, no person or persons shall be deemed, adjudged or taken, to acquire or gain any settlement in any parish or place, for or by virtue of any purchase of any estate or interest in such parish or place, whereof the consideration for such purchase doth not amount to the sum of thirty pounds, *bona fide* paid, for any longer or further time than such person or persons shall inhabit in such estate, and shall then be liable to be removed to such parish or place where such person or persons were last legally settled, before the said purchase and inhabitancy therein.

Paying taxes to the scavenger, gains no settlement.

VI. And be it further enacted by the authority aforesaid, That no person or persons whatsoever, who from and after the twenty-fifth day of *March*, in the year of our Lord one thousand seven hundred and twenty-three, shall be taxed, rated or assessed to the scavenger or repairs of the highway, and shall duly pay the same, shall be deemed or taken to have any legal settlement in any city, parish, town or hamlet, for or by reason of his, her, or their paying to such scavenger's rate or repairs of the highway as aforesaid; any law to the contrary in any wise notwitstanding.

8 & 9 W. 3. c. 30.

VII. 'And whereas there was a clause in the statute made in the eighth 'and ninth years of his late Majesty King *William* the Third, intituled, *An 'Act for the supplying some Defects in the Law for the Relief of the Poor of 'this Kingdom*,' whereby it was enacted, That after the first day of *May* 'one thousand six hundred ninety-seven, all appeals against any order 'for the removing of any poor persons, should be heard at the quarter-'sessions of the county or division, wherein the parish or place from 'whence such person should be removed, doth lie, and not elsewhere, ex-'cept the liberty of *St. Albans*;' Be it enacted by the authority aforesaid, That it shall and may be lawful for the justices of the peace within the liberty of the borough of Saint *Peter*, and hundred of *Nassaborough*, in the county of *Northampton*, to hear and determine all appeals to them made, against any order made for removal of any poor person in their quarter-sessions, as they might have done before the making of the said last mentioned Act; any thing therein or in this present Act contained to the contrary thereof in anywise notwithstanding.

Justices of St. Peter and hundred of Nassaborough in Northamptonshire may determine appeals.

VIII. 'And whereas several disputes and controversies have arisen and 'been concerning the time of notice to be given of appeals from orders of 'removals of poor persons;' To prevent the same, as much as may be for the future, Be it enacted by the authority aforesaid, That from and after the said twenty-fifth day of *March*, one thousand seven hundred and twenty-three, no appeal or appeals from any order or orders of removal of any poor person or persons whatsoever, from any parish or place to another, shall be proceeded upon in any court or quarter-sessions, unless reasonable notice be given by the churchwardens or overseers of the poor of such parish or place, who shall make such appeal, unto the churchwardens or overseers of the poor of such parish or place from which such poor person or persons shall be removed; the reasonableness of which notice shall be determined by the justices of the peace at the quarter-sessions, to which the appeal is made; and if it shall appear to them that reasonable time of notice was not given, then they shall adjourn (4) the said appeal to the next quarter-sessions, and then and there finally hear and determine the same.

Reasonable notice is to be given of appeals.

IX. And for the preventing of vexatious removals, Be it further enacted by the authority aforesaid, That from and after the twenty-fourth day of *June*, in the year of our Lord one thousand seven hundred and twenty-

(4) This is imperative; see note to No. 2. ante.

three, if the justices of the peace shall, at their quarter-sessions, upon an appeal before them there had concerning the settlement of any poor person, determine in favour of the appellant, that such poor person or persons was or were unduly removed, that then the said justices shall, at the same quarter-sessions, order and award to such appellant so much money as shall appear to the said justices to have been reasonably paid by the parish, or other place, on whose behalf such appeal was made for or towards the relief of such poor person or persons, between the time of such undue removal, and the determination of such appeal; the said money so awarded to be recovered in the same manner as costs and charges upon an appeal are prescribed to be recovered by the said statute made in the ninth year of his late Majesty King *William* the Third, intituled, *An Act for supplying some Defects in the Laws for the Relief of the Poor of this Kingdom.*

No. VIII. 9 George I. c. 7.

Justices how to relieve the appellant on undue removals.

8 & 9 W. 3. c. 30.

[No. IX.] 3 George II. c. 29.—An Act for continuing and amending an Act for regulating the Price and Assize of Bread; for Relief of Bankrupts whose Certificates were not allowed before the Expiration of a late Act *For the the better preventing Frauds committed by Bankrupts;* for allowing further Time for Inrolment of Deeds and Wills made by Papists, and for relief of Protestant Purchasers and Lessees; and **for making further Provision concerning Certificates relating to the Settlement of poor Persons, and the Charges of maintaining and removing Certificated Persons.**

'AND to prevent disputes which often happen, touching the proof
'VIII. of certificates given by the officers of any parish or place, ac-
'knowledging any person or persons therein named to be an inhabitant or
'inhabitants legally settled in such parish, town or place, by virtue of an
'Act of Parliament made in the eighth and ninth years of the reign of his
'late Majesty King *William* the Third, and for making such certificates
'more effectual,' Be it enacted by the authority aforesaid, That from and after the twenty-fourth day of *June* in the year of our Lord one thousand seven hundred and thirty, the witnesses who attest the execution of such certificates by the churchwarden or churchwardens, overseer or overseers, signing and sealing the same, or one of the said witnesses, shall make oath before the justices of the peace, who by the said Act are directed to allow the same (which oath they are hereby authorized to administer) that such witness or witnesses did see the churchwarden or churchwardens, overseer or overseers, whose names and seals are thereunto subscribed and set, severally sign and seal the said certificate, and that the names of such witnesses attesting the said certificate are of their own proper hand-writing; (1) which said justices of the peace shall also certify that such oath was made before them; and every such certificate so allowed and oath of the execution thereof so certified, by the said justices of the peace, shall be taken, deemed and allowed, in all Courts whatsoever, as duly and fully proved, and shall be taken and received as evidence, without other proof thereof; and that all certificates given in pursuance of the said Act, before the said twenty-fourth day of *June* one thousand seven hundred and thirty, shall be also taken and allowed in all courts as evidence, without other proof; provided the same are duly allowed by two justices of the peace, as by the said Act is required (2).

No. IX. 3 George II. c. 29.

8 & 9 W. 3. c. 30.

Witnesses to certificates of settlements to swear that they saw the churchwardens, &c. sign them.

---

(1) Where one of the witnesses was a marksman, a certificate that the other made oath that they both saw the churchwarden and overseers sign, and that *his* name was of his own proper hand-writing, was held sufficient; Ashton Keynes *v.* South Cerney, B. S. C. 725.

(2) A certificate, of which the attestation is not proved according to this provision, may be good within stat. 8 and 9 W. c. 30; Farringdon, 2 T. R. 466. A certificate thirty years old proves itself; Ryton, 5 T. R. 259.

No. IX. 3 George II. c. 29. 8 & 9 W. 3. c. 30.

IX. 'And whereas by an Act made in the eighth and ninth years of the 'reign of his late Majesty King *William* the Third, intituled, *An Act for 'supplying some Defects in the Laws for the Relief of the Poor of this King-'dom*, all parishes and places are obliged to receive and entertain as in-'habitants all and every person and persons and their families, which come 'from any other parishes or places with such certificates of their settle-'ment, as in the said Act are directed and required, until such certificated 'persons become chargeable, in which case, and no others, the parishes and 'places to which they have been sent by certificate, are authorized to re-'convey, and those from whence they came, required to receive the said 'certificated persons and their families, as their proper parishioners and in-'habitants; but no provision is made in the said Act for reimbursing the 'parishes and places the charges they may be put to in reconveying the 'said certificated persons to their former parishes and settlements, or for 'the maintenance of them when sick or disabled, till they may be in a con-'dition to be so removed, whereby divers parishes and places are often put 'to great and unavoidable expences in removing and maintaining such cer-'tificated persons and their families:' Now to remedy and prevent the same for the future, Be it enacted by the authority aforesaid, That when any overseer or overseers of the poor of any parish or place, or other person, shall remove back any person or persons or their families, residing in such parish or place, or sent thither by certificate, and becoming chargeable as aforesaid, to the parish or place to which such person or persons shall belong, such overseers or other persons shall be reimbursed such reasonable charges as they may have been put unto, in maintaining and removing such person or persons, by the churchwardens or overseers of the poor of the parish or place, to which such person or persons is or are removed, the said charges being first ascertained and allowed of by one or more of his Majesty's justices of the peace for the county or place to which such removal shall be made; which said charges, so ascertained and allowed, shall, in case of refusal of payment, be levied by distress and sale of the goods and chattels of the churchwardens and overseers of the poor of the parish or place to which such certificated person or persons is or are removed by warrant or warrants under the hand and seal or hands and seals of such justice or justices, returning the overplus, if any there be; which warrant or warrants he or they are hereby required to grant.

Overseers to be reimbursed on reconveying certificated persons.

[No. X.] 17 George II. c. 3.—An Act to oblige Overseers of the Poor to give publick Notice of Rates made for the Relief of the Poor, and to produce the same.

No. X. 17 Geo. II. c. 3. 43 Eliz. c. 2.

'WHEREAS great inconveniences do often arise in cities, towns-cor-'porate, parishes, townships and places, by reason of the unlimited 'power of the churchwardens and overseers of the poor, who frequently on 'frivolous pretences, and for private ends, make unjust and illegal rates in 'a secret and clandestine manner, contrary to the true intent and meaning 'of a statute made in the forty and third year of the reign of Queen *Eliza-'beth*, intituled, *An Act for the Relief of the Poor*;' For remedy whereof, and preventing the like abuses for the future, Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the first day of *May* one thousand seven hundred and forty-four, the churchwardens and overseers, or other persons authorized to take care of the poor in every parish, township, or place, shall give or cause to be given, publick notice in the church, of every rate for the relief of the poor, allowed by the justices of peace, the next *Sunday* after the same shall have been so allowed; and that no rate shall be esteemed or reputed valid and sufficient, so as to collect and raise the same, unless such notice shall have been given.

Poor rates to be published in the church.

II. And be it further enacted, That the churchwardens and overseers of the poor, or other persons authorized as aforesaid, in every parish, township, or place, shall permit all and every the inhabitants of the said parish,

To be inspected by any inhabitant, and copies taken.

township or place, to inspect every such rate at all seasonable times, paying one shilling for the same, and shall upon demand forthwith give copies of the same, or any part thereof, to any inhabitant of the said parish, township or place, paying at the rate of sixpence for every twenty-four names. No. X. 17 Geo. II. c. 3.

III. And be it further enacted, That if any churchwarden or overseer of the poor, or other person authorized as aforesaid, shall not permit any inhabitant or parishioner to inspect the said rates, or shall refuse or neglect to give copies thereof as aforesaid, such churchwarden or overseer, or other person authorized as aforesaid, for every such offence, shall forfeit and pay to the party aggrieved the sum of twenty pounds, to be sued for and recovered by action of debt, bill, plaint, or information, in any of his Majesty's Courts of Record, wherein no essoin, protection, or wager of law, or more than one imparlance shall be allowed. Penalty on not permitting any inhabitant to inspect, &c.

[No. XI.] 17 George II. c. 37.—An Act to prevent Disputes touching the Parishes or Places where improved Wastes, and drained and improved Marsh Lands, shall be charged to Parochial Rates.

No. XI. 17 Geo. II. c. 37.

'WHEREAS in divers counties great quantities of waste and barren lands, and lands which were formerly fen or marsh ground, or covered with water, have been of late years improved or drained, and are now of very considerable annual value, and the inhabitants therein, and occupiers thereof, ought to bear and pay a proportionable part of the rates made for the relief of the poor, and to be subject to such charges, and in like manner as other inhabitants and occupiers of lands, houses, tythes impropriate, propriations of tythes, coal mines, and saleable underwoods, are by an Act made in the forty-third year of the reign of Queen *Elizabeth*, intituled, *An Act for the Relief of the Poor*, and likewise to bear and pay a proportionable part of all other parochial rates; but great difficulties frequently arise in determining to what parish or place such lands belong, or ought to be rated:' Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the twenty-fourth day of *June* one thousand seven hundred and forty-four, where there shall be any dispute or uncertainty in what parish or place such lands heretofore improved or drained, or hereafter to be improved or drained, lie, and ought to be rated; all and every the occupier and occupiers of such lands, or houses built thereon, tenements, tythes arising therefrom, mines therein, and saleable underwoods therein growing or hereafter to grow, shall be rated and assessed to the relief of the poor, and to all other parochial rates within such parish and place which lies nearest to such lands, in like manner and form, and subject to the same directions and regulations as all other lands within such parish and place are by law liable to be rated and assessed thereunto; and if on application to the officers of such parish or place to have such improved or drained lands rated and assessed as aforesaid, any dispute or difference shall arise touching what parish or place such lands ought to be rated and assessed in, it shall and may be lawful to and for the justices of the peace, for the county, riding, liberty, or division where such lands lie, at their next general quarter-sessions to be held for such county, riding, liberty, or division, after such application made as aforesaid, and after notice given to the officers of the several parishes and places abutting upon and adjoining to such lands, and to all other persons claiming and interested therein, to hear and determine the same on the appeal of any person interested, and at such sessions to cause such lands or hereditaments as aforesaid to be allotted to, and fairly and equally assessed in, such parish or place as they shall see just and meet, and such determination and allotment shall at all times thereafter be final and conclusive to and upon the said several parishes and places, and all other persons whatsoever, as to the parish or place in which such lands and hereditaments shall be rated and assessed to the poor, and all other parochial rates as aforesaid; and the

43 Eliz. c. 8.

Drained lands to pay parochial taxes.

Justices in general quarter-sessions to hear and determine disputes.

No. XI. 17 Geo. II. c. 37.

said lands and hereditaments shall, at all times after such determination and allotment, be rated and assessed to the relief of the poor, and to all other parochial rates within such parish and parishes, place and places only, to which they shall respectively have been so allotted as aforesaid; any law, custom or usage to the contrary in any wise notwithstanding.

II. Provided always, and it is hereby enacted and declared by the authority aforesaid, That nothing in this Act contained, nor any allotment to be made by the justices of the peace at their general quarter sessions in pursuance and by virtue thereof, shall extend to, or be deemed or construed to extend to, or in any wise affect or determine the boundaries of any parish or parishes, place or places, to any intent or purpose, other than for the purpose of rating and assessing such lands, tenements and hereditaments to the relief of the poor, and to all other parochial rates within such parish or place to which they shall be so allotted as aforesaid; any thing herein contained to the contrary thereof in any wise notwithstanding.

[III. Local.]

[No. XII.] 17 George II. c. 38.—An Act for remedying some Defects in the Act made in the forty-third Year of the Reign of Queen *Elizabeth*, intituled, *An Act for the Relief of the Poor.*

No. XII. 17 Geo. II. c. 38.

43 Eliz. c. 2.

'WHEREAS by reason of some defects in an Act of Parliament made in 'the three and fortieth year of the reign of the late Queen *Elizabeth*, 'intituled, *An Act for the Relief of the Poor*, the money raised for that purpose 'is liable to be misapplied, and there is often great difficulty and delay in rais-'ing of the same;' For remedy whereof may it please your most excellent Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, That from and after the twenty-fourth day of *June* one thousand seven hundred and forty-four, the churchwardens and overseers of the poor shall yearly and every year, within fourteen days after other overseers shall be nominated and appointed to succeed them, deliver in to such succeeding overseers, a just, true and perfect account in writing, fairly entered in a book or books to be kept for that purpose, and signed by the said churchwardens and overseers hereby directed to account as aforesaid, under their hands, of all sums of money by them received, or rated and assessed and not received; and also of all goods, chattels, stock, and materials that shall be in their hands, or in the hands of any of the poor, in order to be wrought, and of all monies paid by such churchwardens and overseers so accounting, and of all other things concerning their said office; and shall also pay and deliver over all sums of money, goods, chattels and other things as shall be in their hands, unto such succeeding overseers of the poor; which said account shall be verified by oath, or by the affirmation of persons called *Quakers*, before one or more of his Majesty's justices of the peace; which said oath or affirmation such justice or justices is and are hereby authorized and required to administer, and to sign and attest the caption of the same, at the foot of the said account, without fee or reward; and the said book or books shall be carefully preserved by the churchwardens and overseers, or one of them, in some publick or other place, in every parish, township, or place; and they shall and are hereby required to permit any person there assessed, or liable to be assessed, to inspect the same at all seasonable times, paying sixpence for such inspection, and shall, upon demand, forthwith give copies of the same, or any part thereof, to such person, paying at the rate of sixpence for every three hundred words, and so in proportion for any greater or less number.

At what time parish officers shall make up their accounts.

Books may be inspected, paying 6*d.* and copies taken, paying 6*d.* for 300 words.

Penalty on parish officers not accounting.

II. And it is hereby further enacted, That in case such churchwardens and overseers of the poor, or any of them, shall refuse or neglect to make and yield up such account verified as aforesaid, within the time herein before limited or appointed, or shall refuse or neglect to pay and deliver

over such sum or sums of money, goods, chattels and other things in their hands, as by this Act is directed; in either of the said cases, it shall and may be lawful to and for any two or more justices of the peace (1) to commit him or them to the common gaol, until he or they shall have given such account, or shall have paid and yielded up such monies, goods, chattels, and other things, in their hands as aforesaid (2).

On an overseer's dying, &c. two justices to choose another.

III. And be it further enacted by the authority aforesaid, That if any such overseer shall die, or remove from the place for which he was appointed, or become insolvent, before the expiration of his office, on oath thereof made, it shall be lawful for two justices of the peace to appoint another overseer in his stead, who shall continue in office until new overseers are appointed; and if any overseer shall remove as aforesaid, he shall before such removal deliver over to some churchwarden or other overseer of the same place, his accounts verified as aforesaid, with all rates, assessments, books, papers, sums of money, and other things concerning his office; under the like penalties as are inflicted by this Act on an overseer refusing to do the same after the expiration of his office; and if any overseer shall die as aforesaid, his executors or administrators shall, within forty days after his decease, deliver over all things concerning his office to some churchwarden, or other overseer of the same place; and shall pay out of the assets left by such overseer, all sums of money remaining due, which he received by virtue of his said office, before any of his other debts are paid and satisfied.

Overseer removing, shall deliver his accounts to the churchwarden, &c.

Executors of overseers to account in forty days.

Persons aggrieved may appeal.

IV. And be it further enacted, That in case any person or persons shall find him, her, or themselves aggrieved by any rate or assessment made for the relief of the poor, or shall have any material objection to any person or persons being put on, or left out of such rate or assessment, or to the sum charged on any person or persons therein, or shall have any material objection to such account as aforesaid, or any part thereof, or shall find him, her, or themselves aggrieved by any neglect, act, or thing done or omitted by the churchwardens and overseers of the poor, or by any of his Majesty's justices of the peace; (3) it shall and may be lawful for such person or persons, in any of the cases aforesaid, giving reasonable notice to the churchwardens or overseers of the poor of the parish, township, or place, to appeal to the next (4) general or (5) quarter-sessions of the peace for the county, riding, division, corporation or franchise where such parish, township, or place lies; and the justices of the peace there assembled are hereby authorized and required to receive such appeal, and to hear and finally determine the same; but if it shall appear to the said justices that reasonable notice was not given, then they shall adjourn the said appeal to the next quarter-sessions, and then and there finally hear and determine the same; and the said justices may award and order to the party, for whom such appeal shall be determined, reasonable costs, in the same manner that they are impowered to do in case of appeals concerning the settlement of poor persons, by an Act made in the eighth and ninth years of King *William* the Third, intituled, *An Act for supplying some Defects in the Laws for the Relief of the Poor of this Kingdom.*

8 W. 3. c. 30.

Proviso for corporations, &c.

V. Provided always, That in all corporations or franchises who have not four justices of the peace, it shall and may be lawful for any person or persons in any of the cases aforesaid, where an appeal is given by this Act, to appeal, if he or they shall think fit, to the next general or quarter sessions of the peace for the county, riding or division wherein such corporation or franchise is situate.

(1) The justices may enforce the payment of the balance, after an appeal; R. v. Sir John Carter, 4 T. R. 246.

(2) This is not superseded by the provisions of 50 Geo. III. c. 49. post.; Wm. Lester's Case, 16 E. 374.

(3) This clause does not enable the sessions to make an original order for overseers to pay over money to their successors; R. v. Whitear, 3 Bur. 1365.

(4) If the accounts are allowed the day before the sessions, the appeal may be to the next following sessions: and qu. whether the power of appeal under 43 Eliz. c. 2. s. 8. is repealed by this statute; Justices of Dorsetshire, 15 E. 200.

(5) An appeal to the next *quarter* sessions in London or Middlesex is sufficient, notwithstanding an intermediate *general* sessions; Justices of London, 15 E. 632.

No. XII. 17 Geo. II. c. 38.

How far justices shall give relief on appeals.

VI. 'And whereas it hath been held, that upon appeals from rates and assessments, the justices of the peace may not only quash the old rates, 'but make new rates and assessments, from which no appeal can be had;' 'Be it enacted by the authority aforesaid, That upon all appeals from rates and assessments, the justices of the peace (where they shall see just cause to give relief) shall and are hereby required to amend the same, in such manner only as shall be necessary for giving such relief, without altering such rates or assessments, with respect to other persons mentioned in the same; but if upon an appeal from the whole rate, it shall be found necessary to quash or set aside the same, then and in every such case, the said justices shall and are hereby required to order and direct the churchwardens and overseers of the poor to make a new equal rate of assessment, and they are hereby required to make the same accordingly.

Clause relating to warrants of distress.

VII. And for the more effectual levying of the money assessed for the relief of the poor, Be it enacted by the authority aforesaid, That the goods of any person assessed, and refusing to pay, may be levied by warrant of distress, not only in the place for which such assessment was made, but in any other place within the same county or precinct; and if sufficient distress cannot be found within the said county or precinct, on oath made thereof before some justice of any other county or precinct (which oath shall be certified under the hand of such justice on the said warrant), such goods may be levied in such other county or precinct by virtue of such warrant and certificate; and if any person shall find him or herself aggrieved by such distress as aforesaid, it shall and may be lawful for such person to appeal to the next general or quarter sessions of the peace for the county or precinct where such assessment was made, and the justices there are hereby required to hear and finally determine the same.

Appeal.

Clause to prevent vexatious actions against overseers.

VIII. And to prevent all vexatious actions against overseers of the poor, Be it enacted by the authority aforesaid, That where any distress shall be made for any sum or sums of money justly due for the relief of the poor, the distress itself shall not be deemed to be unlawful, nor the party or parties making it be deemed a trespasser or trespassers on account of any defect or want of form in the warrant for the appointment of such overseers, or in the rate or assessment, or in the warrant of distress thereupon; nor shall the party or parties distraining be deemed a trespasser or trespassers *ab initio*, on account of any irregularity which shall be afterwards done by the party or parties distraining, but the party or parties aggrieved by such irregularity shall or may recover full satisfaction for the special damage he, she, or they shall have sustained thereby, and no more, in an action of trespass, or on the case, at the election of the plaintiff or plaintiffs.

Plaintiffs recovering, to have full costs.

IX. Provided always, That where the plaintiff or plaintiffs shall recover in such action, he, she, or they shall be paid his, her, or their full costs of suit, and have all the like remedies for the same as in other cases of costs.

Proviso in case of irregularity.

X. Provided nevertheless, That no plaintiff or plaintiffs shall recover in any action for any such irregularity as aforesaid, if tender or amends hath been made by the party or parties distraining before such action brought.

Succeeding overseers to levy arrears, to reimburse the former.

XI. And be it further enacted by the authority aforesaid, That in case any person or persons shall refuse or neglect to pay to such overseers as aforesaid, any sum or sums of money that he, she, or they shall be legally rated or assessed to, it shall and may be lawful to and for the succeeding overseers, and they are hereby required to levy such arrears, and out of the money so levied to reimburse their predecessors all sums of money which they have expended for the use of the poor, and which are allowed to be due to them in their accounts as aforesaid.

Clause concerning persons removing out of parishes.

XII. 'And whereas persons frequently remove out of parishes and places 'without paying the rates assessed on them, and other persons do enter and 'occupy their houses or tenements part of the year, by reason whereof great 'sums are annually lost to such parishes and places;' Be it therefore enacted by the authority aforesaid, That where any person or persons shall come into, or occupy any house, land, tenement or hereditament, or other premises, out of or from which any other person assessed shall be removed,

No. XII. 17 Geo. II. c. 38.

or which at the time of making such rate was empty or unoccupied, that then every person so removing from, and every person so coming into or occupying the same, shall be liable to pay to such rate, in proportion to the time that such person occupied the same respectively, in the same manner, and under the like penalty of distress as if such person so removing had not removed, or such person so coming in or occupying, had been originally rated and assessed in such rate; which said proportion, in case of dispute, shall be ascertained by any two or more of his Majesty's justices of the peace.

Copies of rates to be entered in a book,

XIII. And be it further enacted by the authority aforesaid, That true and just copies of all rates and assessments hereafter to be made for the relief of the poor, be fairly wrote and entered in a book or books to be provided for that purpose by the churchwardens and overseers of the poor of every parish, township, or place, who shall take care that such copies be wrote and entered accordingly within fourteen days after all appeals from such rates are determined, and shall attest the same by putting their names thereto; and all and every such book or books shall be carefully preserved by the churchwardens and overseers of the poor for the time being, or one of them, in some public or other place, in every such parish, township, or place, whereto all persons assessed, or liable to be assessed, may freely resort, and shall be delivered over from time to time to the new and succeeding churchwardens and overseers of the poor, as soon as they enter into their said offices, to be preserved as aforesaid, and shall be produced by them at the general or quarter sessions, when any appeal is to be heard or determined.

to be kept for public perusal.

Penalty on parish officers not obeying this Act.

XIV. And be it further enacted by the authority aforesaid, That if any churchwarden, overseer of the poor, or other officer of any parish, township, or place, shall neglect or refuse to obey and perform the several orders and directions of this Act, or any of them, where no penalty is before provided by this Act, or shall act contrary thereto, every such churchwarden, overseer of the poor, or other officer so offending in the premises, shall for every such offence, on oath thereof made, within two calendar months after the offence committed, before any two or more of his Majesty's justices of the peace, forfeit for the use of the poor of such parish, township, or place, a sum not exceeding five pounds, nor less than twenty shillings, to be levied by distress and sale of the offender's goods, by warrant from such justices; which sum shall be paid to some churchwarden or overseer of the poor of such parish, township, or place, for the purpose aforesaid.

Power of overseers, where there are no churchwardens.

XV. And be it further enacted by the authority aforesaid, That overseers of the poor, within every township or place where there are no churchwardens, shall from time to time do, perform, and execute all and every the acts, powers, and authorities, concerning the relief of, and other matters and things relating to the poor, as churchwardens and overseers of the poor may do, perform, and execute, by this Act, or any former statute concerning the poor, and shall lose, forfeit, and suffer all such pains and penalties for neglect, abuse or nonperformance thereof, as churchwardens and overseers of the poor are liable to, by virtue of this or any former statute concerning the poor.

[No. XIII.] 20 George III. c. 36.—An Act for obviating Doubts, touching the binding and receiving of poor Children Apprentices, in pursuance of several Acts of Parliament made for the Relief of the Poor within particular incorporated Hundreds or Districts; and for ascertaining the Settlement of Bastard Children born in the Houses of Industry within such Hundreds or Districts.

[Inserted ante. Title *Apprentices.* Class II. No. IX.]

[No. XIV.] 22 George III. c. 83.—An Act for the better Relief and Employment of the Poor.

No. XIV. 22 Geo. III. c. 83.

'WHEREAS notwithstanding the many laws now in being for the relief and employment of the poor, and the great sums of money raised for those purposes, their sufferings and distresses are nevertheless very grievous; and, by the incapacity, negligence, or misconduct of overseers, the money raised for the relief of the poor is frequently misapplied, and sometimes expended in defraying the charges of litigations about settlements indiscreetly and unadvisedly carried on: And whereas, by a clause in an Act, passed in the ninth year of the reign of King *George* the First, intituled, *An Act for the Amendment of the Laws relating to the Settlement, Employment, and Relief of the Poor,* power is given to the churchwardens and overseers, in the manner therein mentioned, to purchase or hire houses, and contract with any person for the lodging, keeping, maintaining, and employing the poor, and taking the benefit of their work, labour, and service, for their maintenance; and where any parish, town, or township, should be found too small, to unite two or more for those purposes, with the consent of the major part of the parishioners or inhabitants, and the approbation of a justice of the peace; which provisions, from the want of proper regulations and management in the poorhouses or workhouses that have been purchased or hired under the authority of the said Act, and for want of due inspection and controul over the persons who have engaged in those contracts, have not had the desired effect, but the poor, in many places, instead of finding protection and relief, have been much oppressed thereby:' For remedy of these grievances and inconveniences, and in order to make better and more effectual provision for the relief and employment of the poor, and to introduce a prudent economy in the expenditure of the parish money; may it please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the twenty-fifth day of *March*, which shall be in the year of our Lord one thousand seven hundred and eighty-three, so much of the said clause as respects the maintaining or hiring out the labour of the poor by contract, within any parish, township, or place, which shall adopt the provisions of this Act, shall be, and is hereby repealed, and every contract or agreement made in pursuance thereof, for either of those purposes, shall become, and is hereby declared to be, null and void.

9 Geo. 1. c. 7.

Part thereof repealed.

Visitors and guardians may make agreements for the diet and clothing, &c. of persons sent to the poor-houses.

II. Provided nevertheless, and be it further enacted, That it shall and may be lawful for the visitor and guardian, or visitors and guardians, appointed as hereafter mentioned, of any parish, township, or place, or parishes, townships, and places, which shall have adopted the provisions, and complied with the requisites of this Act, and shall have a visitor appointed, from time to time, to make agreements with any person or persons for the diet or clothing of such poor persons who shall be sent to the house or houses to be provided under the authority of this Act, and for the work and labour of such poor persons, so that no such agreement shall be made for any longer time than twelve months, and so that the same shall be, and every such agreement is hereby declared to be, under the strictest inspection and controul of the visitor, guardian, and governor of such poorhouse, and also of the justices of the peace for the limit where such poorhouse shall be; two of which justices, upon proof of any abuse, shall have power to dissolve such contract.

Conditions on which parishes shall be entitled to the benefits of this Act.

III. And be it further enacted, That whenever two third parts, in number and value, according to the poor rate, of the owner or occupiers of lands, tenements, or hereditaments, within any parish, township, or place, qualified as hereafter mentioned, shall, at any time after the passing this Act, at a public meeting to be holden pursuant to the directions of this Act, signify their approbation of the provisions herein contained, and their desire to adopt them, in the form contained in the schedule hereunto annexed, No. I, and shall at such meeting nominate and recommend to the consideration of the justices of the peace of the county, riding, division, district, city, town, or place, where such meeting shall be holden, three able and discreet persons qualified for guardians of the poor for such parish, township, or place, and three other fit and proper persons qualified to be

governors of the poor house for such parish, township, or place, and fix the salaries to be paid to such guardian and governor respectively, and shall procure the consent and approbation of two justices of the peace acting for that limit, to such agreement and salaries by writing under their hands, in the forms contained in the Schedule, No. II, and shall cause such agreement to be registered pursuant to the direction of this Act; every such parish, township, or place, shall from that time be entitled to all the benefits, privileges, powers, authorities, and advantages, which can arise or be derived from this Act.

Two or more parishes may unite, with the approbation of two justices, &c.

IV. And be it further enacted, That where two third parts, in number and value as aforesaid, of the owners or occupiers of lands, tenements, or hereditaments, within two or more parishes, townships, or places, so qualified, as aforesaid, shall *think fit*, with such approbation as aforesaid, signified in like manner under the hands of two justices of the peace, and subscribed at the foot af the said agreement, in the form expressed in the said Schedule, No. II, at the end of the form of the said agreement, to unite for the purposes of this Act, and shall signify their inclination and desire so to do at a public meeting holden in each of such parishes, townships, and places, in the manner herein before directed concerning a single parish, in the form contained in the said Schedule, No. III, an agreement shall, as soon as conveniently may be after such public meetings shall have been holden, be entered into by the guardians of the poor of every such parish, township, and place respectively, or the major part of them, in the form, or to the effect set forth in the said Schedule, No. IV, which agreement shall be binding upon the several parties; and every such agreement shall specify the place where such house or houses shall be situate, and the terms upon which such agreement is made, and shall be entered with the clerk of the peace or town clerk of the county, city, town, or district, in which such parishes, townships, or places, shall be situate, and a copy thereof left with him within three calendar months after the time of making such agreement, in the form or to the effect mentioned in the said Schedule, No. V, for which entry every such clerk shall receive one shilling, and no more; and from that time every such parish, township, and place, so agreed to be united, shall be entitled to all the benefits, privileges, powers, authorities, and advantages, which can arise or be derived from this Act.

V. Provided nevertheless, and be it further enacted, That no parish, township, hamlet, or place, which shall be situate more than ten miles from any poorhouse or workhouse to be provided under the authority of this Act, shall be permitted to be united, for the purposes aforesaid, with the parishes, townships, hamlets, and places, which shall establish such poorhouse or workhouse.

Notice for meetings to be given in the church, &c.

VI. And be it further enacted, That the notice for every public meeting directed by this Act, shall be given in the church or chapel of every such parish, township, or place, on three successive *Sundays* before the time of such meeting, immediately after divine service, or on such of the said *Sundays* as service shall be performed there, and also fixed in writing on such church or chapel door, or if no church or chapel, at some public place within any such parish, township, or place, where notices of parish business have been usually given, fifteen days at least before the day to be appointed for such meeting, in the form, or to the effect mentioned in the said Schedule, No. VI.; and that no person shall vote at any public meeting to be holden for the purposes of this Act, unless he or she shall be the owner or occupier of lands, tenements, or hereditaments, which shall be assessed to the poor's rates, within such parish, township, or place, after the rate of five pounds *per annum*, at the least; nor shall any such person vote as occupier, unless he or she shall be assessed or pay to such poor's rates: Provided always, That in all parishes, townships, or places, wherein there shall not be ten persons possessed of the qualifications aforesaid, it shall and may be lawful for every person who shall be assessed, or shall pay to such poor's rates, to vote at every such meeting.

Qualification of voters.

Justices to appoint a guardian for each parish, &c.

VII. And be it further enacted, That it shall and may be lawful for two justices of the peace of the limit where such poorhouse shall be, or be so agreed to be situated, and they are hereby required, as soon as conveniently

No. XIV. 22 Geo. III. c. 83.

may be after such agreement shall have been made as aforesaid, upon application to them by two or more of the persons who shall have signed such agreement, and upon producing the same to them, to appoint one of the persons so recommended to be guardian of the poor for each of such parishes, townships, and places, in the form contained in the said Schedule, No. VII, or to that or the like effect; and every such guardian shall attend the monthly meetings hereby directed to be holden, and execute the several powers and authorities given to guardians by this Act, and shall have, and is hereby invested with, all the powers and authorities given to overseers of the poor by any other Act or Acts of Parliament, and shall to all intents and purposes, except with regard to the making and collecting of rates, be an overseer of the poor for the parish or township for which he shall be so appointed guardian, and shall be liable to such forfeitures and penalties for neglect of duty as overseers of the poor are made liable to by this or any other Act of Parliament; and all notices or applications directed by this or any other Act of Parliament to be given or made to the overseers of the poor, with respect to the care and management or removal of the poor, shall be given and made to the guardian of the poor, where any such guardian shall be appointed under the authority of this Act; but in case any orders of removal or notices shall happen, by mistake, to be given or sent to the churchwarden or overseer, the same shall be as valid and effectual as if given to the guardian; and such churchwarden or overseer shall, and is hereby required forthwith to deliver the same to the guardian, or shall forfeit forty shillings for his neglect: And in all cases where such guardian of the poor shall be appointed as aforesaid, neither the churchwardens or overseers of the poor shall interfere or intermeddle in the care and management of the poor, but shall continue to have and be invested with the same powers of making and collecting poor's rates as they have at present, and shall be subject to the like penalties for neglect or misbehaviour in making and collecting such rates as they were at the time of passing this Act.

Duty and powers of the guardian.

Churchwarden or overseer to receive the poor's rate. How to be applied.

VIII. And be it further enacted, That from and after the appointment of such guardian as aforesaid, one or more of the churchwardens or overseers of the poor of every parish, township, or place, which shall adopt the provisions of this Act, who shall be approved at some publick meeting to be holden as aforesaid, shall receive the money to be collected by virtue of such poor's rates, and apply the same in manner following: (that is to say), if such parish, township, or place shall not be united with any other by virtue of this Act, such churchwarden or overseer shall pay to the guardian of the poor such sums, from time to time, as he shall have occasion to employ for the purposes of discharging the bills, and all other necessary expences attending such house or houses, and the poor belonging to such parish, township, or place, and shall take receipts from such guardian for all the money so paid, expressing in every such receipt the purposes for which such money is wanted; and if the said parish, township, or place, shall be united with any other parish, township, or place, by virtue of this Act, such churchwarden or overseer shall pay, from time to time, to the treasurer of such united parishes, townships, or places, their due proportion and quota of the several expences attending the poor and poorhouse therein, under the authority and according to the direction of this Act, and take his receipts for such money; or, if it shall be found more convenient, he shall permit such treasurer, from time to time, to draw drafts upon him for such money, in the form contained in the said Schedule, No. VIII, and pay the same when they become due, specifying in every such receipt and draft the general purposes for which such money is to be applied; all which payments so to be respectively made, shall be allowed to the said churchwarden or overseer, in his accounts with the parish, township, or place wherein such money shall be raised; and the accounts, as well of the said churchwarden or overseer, as of the said guardian, shall be examined at every monthly meeting, and shall be examined and passed quarterly by the visitor of such poorhouse, after they shall have been verified upon oath before a justice of the peace.

Justices to appoint a governor of each poorhouse.

IX. And be it further enacted, That it shall and may be lawful for two or more justices of the peace for the limit wherein such poorhouse shall be situate, and they are hereby required, as soon as conveniently may be after

such agreement shall have been made as aforesaid for adopting the provisions of this Act, either by a single parish or township, or by two or more parishes or townships, upon application made to them by two or more of the persons who shall have signed such agreement, and upon producing the same to them, to appoint one of the persons recommended for governor of such poorhouse (in the form contained in the said Schedule, No. VII, or to that or the like effect), who shall have the care, management, and employment of the poor persons to be sent thither, and shall be allowed such salary or wages for his trouble as shall be specified in the said agreement; and it shall and may be lawful for the visitor of such poorhouse, with the consent of the guardians, or the major part of them, or for two or more justices of the peace for such limit, where a guardian shall be visitor, to remove the governor of such poorhouse, upon complaint, and sufficient proof, of misbehaviour or incapacity in the execution of his office.

Directions for the appointment of visitors.

X. And be it further enacted, That the guardians of the poor for the several parishes and townships which shall be so united as aforesaid, shall meet as soon as conveniently may be after such agreement shall have been made, to consider of three proper persons, respectable in character and fortune, fit to be put in nomination for the office of visitor of such poorhouse; and two or more of such guardians shall, as soon as conveniently may be after such meeting, apply to two justices of the peace acting for the limit wherein such poorhouse shall be, and produce to them the said agreement, and the names of the persons whom they shall desire to recommend; which justices shall then, or within three days after, appoint one of such persons so recommended to be visitor, in the form contained in the said Schedule, No. VII, or to that or the like effect; but if he shall refuse to accept that office, they shall then appoint one other of the persons so named; and if he shall decline it, they shall appoint the third person named in such list; and if he shall decline it, the guardians of the said several parishes, townships, and places shall, and they are hereby required to serve that office monthly by rotation, subject to the controul of the justices of the limit where such poorhouse shall be: And every such visitor, if not a guardian, is hereby authorized to nominate some discreet and proper person to be his deputy or assistant, if he shall think fit, in the form contained in the said Schedule, No. IX; and every such deputy or assistant shall, in the absence of such visitor, and under his direction, act as inspector of the several matters so committed to the care of the visitor, and shall make his report thereof, from time to time, to him, for his better information, and render him all the assistance in his power, and every visitor so to be appointed shall superintend every such house or houses, and settle and adjust the accounts between the said guardians of the poor and the treasurer of such house, if any question or dispute shall arise respecting the same, and also shall settle and adjust all doubts and questions which may arise concerning the persons which ought to be sent to such house or houses, according to the intention of this Act, and by every prudent means in his power enforce and promote the rules, orders, regulations, directions, and provisions established, enacted, and formed by and under this Act, for the better accommodation and relief of the poor, and the preventing all unnecessary expences and burthens on the said parishes, townships, and places: And every such governor, guardian, and treasurer is hereby required to observe and obey the directions which he shall from time to time receive from the visitor so to be appointed, touching the several matters aforesaid: And where any act shall be required to be done by a justice of peace, such visitor, if not a justice, or his deputy or assistant, shall apply to some neighbouring magistrate to do the same: And every person to be nominated or appointed visitor or deputy visitor as aforesaid, as an inducement to his undertaking and executing that office, shall be freed and discharged from serving the office of constable, and all parochial offices, and also from serving upon juries at the assizes or quarter sessions, so long as he shall continue in that office; and a certificate under the hand of a justice of the peace acting for the limit wherein he executes such office, in the form contained in the said Schedule, No. X, shall be admitted as evidence of his serving the office.

Visitor may appoint a deputy.

Governor, &c. to obey the visitor.

XI. And be it further enacted, That if two-thirds, in number and value

No. XIV. 22 Geo. III. c. 83.

as aforesaid, of the owners or occupiers of lands, tenements, or hereditaments, within any single parish, township, or place, which shall adopt the provisions of this Act in manner aforesaid, shall desire to have a visitor appointed, and shall nominate and recommend to the justices of the limit three persons properly qualified for that office, the justices, upon application to them in manner aforesaid, shall appoint one of the persons so recommended, in the manner herein before directed concerning parishes, townships and places so united as aforesaid.

Singleparishes may have a visitor appointed.

A treasurer to be appointed.

XII. And be it further enacted, That the guardians of the several parishes and townships united for the purposes of this Act, shall recommend to the justices one of their own body to be treasurer of the poorhouse; and it shall and may be lawful for two justices of the limit to appoint the guardian so recommended, or any other of the guardians whom they shall think better qualified, to that office, in the form contained in the said schedule, No. VII, or to that or the like effect; which treasurer shall give sufficient security to the satisfaction of the justices, to the other guardians, and their successors, for his duly accounting for the money which shall come to his hands; and shall keep the accounts, receive the money to be contributed by each parish and township, and pay or discharge the several bills and expences which shall be allowed and ordered to be paid by the guardians, at their monthly meeting: and shall lay his accounts before the guardians, at every such meeting, for their perusal and approbation; and shall, once in every year, within fourteen days before the *Michaelmas* quarter-sessions of the peace for the county, riding, division, city, or place, where such poorhouse shall be situate, make out, or cause to be made out, a just and fair account of the expences attending the same, distinguishing them under the several heads herein specified; and also an account of the number of poor persons, distinguishing their age and sex, which shall be contained in every such house at the time of making such account, and how they have been employed, and how much money hath been earned by the labour of the poor in the year preceding; which shall be laid before the visitor, and signified under his hand, if he approves the same, and shall afterwards be transmitted to the clerk of the peace, or town clerk, of such county, riding, division, city, or place, before or at any time of the said quarter-sessions, and be by him laid before the court there for their inspection: And every such treasurer shall be allowed, for his trouble in executing that office, such annual sum, not exceeding ten pounds, as the visitor, if not a guardian, shall think fit; and if no such visitor, as two justices of the peace for the limit shall appoint.

His duty.

Vacancies how to be supplied.

XIII. And be it further enacted, That when and as often as any vacancy shall happen in any of the offices aforesaid, by death, resignation, or removal, meetings shall be called, and recommendations offered to the justices in manner aforesaid; and they shall proceed, so soon as conveniently may be, in the manner before directed, to appoint a fit and proper successor to the person so dying, declining to act, or so removed as aforesaid.

At what time the offices of guardian, governor, &c. shall determine.

XIV. Provided always, and be it further enacted, That the offices of guardian, governor, visitor, or treasurer, to which any person shall be appointed under the authority of this Act, shall determine in *Easter* week next after the respective person shall be appointed thereto, on the day upon which the public meeting for such parish, township, or place, shall be held there; when the persons, who, according to this Act, are qualified and have a right to recommend another person to the justices, to be appointed to such office, shall either agree with the persons who held the same to continue in such office, or shall proceed to recommend others, in the manner hereinbefore directed, as if such person had died.

Justices in a different limit may act in certain cases.

XV. And be it further enacted, That if within any such limit as aforesaid, wherein any poorhouse shall be situate, there shall happen to be no acting justice, or only one acting justice of the peace, or if the justice or justices of the peace who usually act in that limit shall be absent, or by any means incapacitated to act, it shall and may be lawful for any justice or justices of any other limit to act in all such cases.

Justices may appoint special sessions, &c.

XVI. And be it further enacted, That it shall and may be lawful for the justices of the peace, within their respective limits, to appoint special or privy sessions for executing the several powers and purposes of this Act, causing proper notices to be given of the time and place of holding the same, to the several justices of the peace, peace officers, and guardians of the poor, within such respective limits; and also to adjourn any such privy sessions, to be again holden at such time and place as they shall judge most proper for discharging the business required by this Act, and such other business which may happen to fall under their cognizance, so as to occasion the least trouble to themselves, and to afford the greatest convenience and accommodation to the publick, causing the like notices to be given of every such adjournment.

Guardians shall provide houses, and proper utensils, &c.

XVII. And be it further enacted, That the guardians of the poor of the several parishes, townships, and places, which shall adopt the provisions of this Act, shall provide a suitable and convenient house or houses, with proper buildings and accommodations thereto, when wanted, either by erecting new ones on land to be purchased or rented by them for that purpose, altering old ones, or hiring buildings for the purpose; and shall fit up and dispose the same, with the advice and approbation of the visitor, if any, in such manner as shall be most conducive to the general purposes of this Act, at the expence of such parish or township, or parishes, townships, and places respectively, in the proportions hereinafter mentioned; and shall provide such utensils and materials as they shall think necessary for their employment, according to the true intent and meaning of this Act.

Poorhouses where to be situated.

XVIII. And be it further enacted, That the several poor houses or workhouses to be built and provided under the authority of this Act, shall be situate within the parish or township for which they shall be used, if single parishes or townships, and if several parishes or townships shall be united for the purposes of this Act, they shall be built or provided within one of the parishes or townships so to be united, and not in any other parish, township or place, without the consent of three-fourth parts, in number and value as aforesaid, of such owners or occupiers of lands, tenements, or hereditaments, within the same, first had and obtained, qualified as hereinbefore mentioned, who shall be assembled at a publick meeting to be holden in the manner, and upon the like notice hereinbefore directed for publick meetings.

On what conditions lands, &c. shall be rented.

XIX. Provided always, and be it further enacted, That all the houses, buildings, and lands, to be hired or rented under the authority of this Act, shall be hired or rented in such manner, for such term or terms, and on such conditions, as are specified in the form of agreement contained in the said Schedule, No. IV.; and all such houses, buildings, and lands, shall be free from all parochial and parliamentary taxes, except such taxes, and to such amount, as they were assessed at the time they were first taken and applied for the purposes of this Act.

Buildings to be paid for by the guardians.

XX. And be it further enacted, That when any such buildings shall be agreed to be erected, repaired, or fitted up, at the expence of the parish, township, or place, or parishes, townships, or places, which shall adopt the provisions of this Act as aforesaid, the expences thereof, and the purchase of the land necessary to be used for that purpose, shall be paid by the guardians of the poor of such parish, township, or place, or of the parishes, townships, and places, where they shall unite for those purposes, in the proportions to be settled and adjusted by the persons, and in the manner directed by the agreement to be made as aforesaid; and that it shall and may be lawful for the visitor and guardian of the poor of any such parish, township, or place, when such expences, or their proportion thereof, shall amount to one hundred pounds, or upwards, to borrow the same at interest, and secure such money by a charge upon the poor's rates of such parish, township, or place, in sums not exceeding fifty pounds each, for the greater ease in discharging the same, in the form contained in the said Schedule, No. XI, or to that or the like effect; which charge shall continue upon the said rates until the money so borrowed, and all interest for the same, shall be fully paid and satisfied: And the said guardians and their successors shall, and they are hereby required duly to pay

Visitors and guardians empowered to borrow money.

No. XIV. 22 Geo. III. c. 83.

and keep down the interest of such money so to be borrowed for the use of their respective parishes or townships, as the same shall become due; and that when the principal shall be called for, they may borrow it from some other person or persons; and the same shall be secured to the person advancing the same, by an assignment of such security indorsed on the back thereof, in the form contained in the said Schedule, No. XIV, or to that or the like effect: And that the poor's assessments shall continue at the same rate they were when such poorhouse was first established under the authority of this Act, until the debt so contracted, and the interest thereof, shall be fully discharged: And that the said visitor and guardian, in order to expedite such payments, shall, as soon as the savings in the poor's accounts shall amount to a sum sufficient to pay off and discharge one of the sums which shall have been borrowed, pay off and discharge such sum, and in like manner as to all succeeding savings, until the whole debt so contracted and secured shall be discharged.

Visitors and guardians to be incorporated.

XXI. And be it further enacted, That the visitor and guardian for the time being of every parish, township, and place, or of the several parishes, townships, and places which shall be so united as aforesaid, from and after they shall respectively have adopted the provisions of this Act, shall be, and are hereby respectively declared to be one body politick and corporate, and be called by the name of *visitor and guardian*, or *visitors and guardians, of the poor for the parish, township, or place of in the county*, &c. *of* or *of the united parishes, townships, or places of and in the county*, &c. *of* as the case shall be; and are hereby authorised and enabled by that name to sue and be sued, and to accept, take, and hold, by purchase or lease, any lands, tenements, or hereditaments of inheritance, or for lives or years, or for years determinable on the death of any life or lives, not exceeding in any city or town one acre, and not exceeding in the open country twenty acres of statute measure, for the scite of a house or houses to be built, and for lands to be occupied, for the purposes of this Act; and the said corporation is also hereby authorised and enabled to accept, take, and hold all voluntary grants and donations of lands, tenements, or hereditaments of inheritance, or for lives or years, or for years determinable on lives, or of personal property which shall be made to them for the use and benefit of the poor within such respective parishes, townships, or places.

Their name.

Incapacitated persons empowered to sell lands, &c.

XXII. And be it further enacted, That it shall and may be lawful for all bodies politick, corporate, or collegiate, corporations aggregate or sole, husbands, guardians, trustees, feoffees in trust, committees, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of their cestuique trusts, whether infants, issue unborn, lunaticks, idiots, femes-covert, or other person or persons, and to and for all femes-covert, who are or shall be seised, possessed of, or interested in their own right, and to and for every other person and persons whomsoever, who are or shall be seised, possessed of, or interested in any lands, tenements, or hereditaments, which shall be necessary to be purchased or rented for the purposes of this Act, to contract for, sell, and convey, or lease the same, or any part thereof, in manner aforesaid, not exceeding the quantity aforesaid, unto the said visitor and guardians, their successors and assigns, or to such person or persons as they shall nominate and appoint, for the use and benefit of such poorhouse, and the poor persons within such parishes, townships, and places respectively, and for all other the purposes of this Act.

Money paid for such lands, &c. to be laid out in the purchase of other lands, &c. to be settled to the same uses.

XXIII. And be it further enacted, That all sums of money which are to be paid to any bodies politick, corporate or collegiate, corporations aggregate or sole, feoffees in trust, executors, administrators, husbands, guardians, committees, or other trustees whatsoever, for or on behalf of any infant, lunatick, idiot, feme-covert, or other cestuique trust, or to any person or persons whose lands are limited in strict settlement, for the purchase of any lands or buildings as aforesaid, shall, in case the same exceed the sum of twenty pounds, by such bodies politick, corporate, or collegiate, corporations aggregate or sole, feoffees in trust, executors, administrators,

husbands, guardians, committees, or other trustees, person or persons seised, of lands or buildings so limited in strict settlement, be laid out, as soon as conveniently may be, in the purchase of lands, tenements, and hereditaments, in fee-simple, and conveyed to or to the use of such bodies politick, corporate, or collegiate, corporations aggregate or sole, feoffees in trust, executors, administrators, husbands, guardians, committees, or other trustees, or to and for such other person or persons, and for such estates, and to, for, upon, and subject to such uses, trusts, limitations, remainders, and contingencies, as the lands for or in respect whereof such purchase money shall be so paid as aforesaid were limited, settled, and assured, at the time such purchase was made, or so many of such uses as shall be then existing, and capable of taking effect; such purchases and settlements to be made at the expence of the respective parish, or of the several parishes so uniting, in the proportions aforementioned, and charged by the respective guardians of such parishes, together with the purchase money, in their accounts; and in the mean time, and until such purchase or purchases shall be made, the said money shall be placed out by such bodies politick, corporate, or collegiate, corporations aggregate or sole, feoffees in trust, executors, administrators, husbands, guardians, committees, or other trustees, person or persons, in some of the publick funds, or on government or real security, in the name of two or more persons, the one to be named by the party or parties interested therein, and the other by the guardian, if it respects a single parish only, and by the visitor, if it respects several parishes, townships, or places, so united as aforesaid; and the interest arising and to be produced from such funds or securities, and also the annual rent, where the said premises shall be rented, shall be paid to such person or persons respectively as would, for the time being, be entitled to the rents and profits of such lands or buildings so to be purchased and settled, pursuant to the tenor and true meaning of this Act.

Poor to be maintained at the general expence of the respective parishes.

XXIV. And be it further enacted, That the poor persons who shall be sent to every such house, by virtue and under the authority of this Act, shall be maintained therein at the general expense of the respective parishes, townships, and places, so adopting the provisions of this Act as aforesaid, according to the terms, and in the proportions, directed and prescribed by this Act; and that the treasurer, with the assistance of the governor of every such house, to be appointed as aforesaid, shall provide all fit and necessary provisions for the maintenance of such poor, and keep an account thereof; and that there shall be a meeting of the guardians of the poor of every such parish, township, and place, at such house or houses, on the first *Monday* in every month, at the hour of ten in the forenoon, or on such other day and hour, in the first week of every month, as the said guardians shall at their first meeting appoint, to state, examine, inspect, and adjust the accounts for the preceding month; and that at such meeting, the said treasurer shall produce, fairly written, one account of the debt incurred in the preceding month, for utensils and materials for the purpose of manufacture, and for furniture, alterations, or repairs of the buildings, and also for the salary or allowance to the governor, or treasurer, and servants (if any), in which account the rent of such house or houses, buildings, and premises, if the same shall be rented, shall be charged in the month next after such rent shall become due, according to the terms of the agreement for taking the same; which account, when settled and agreed to, shall be signed by the said guardians attending such meeting: And the sums to be paid by each of such parishes, townships, and places, on that account, shall be settled and adjusted at such meeting, in proportion to the sums paid by each such parishes, townships, and places, on account of their poor, on a medium of three years next preceding the date of such agreement (to be settled and ascertained at such first monthly meeting, in the manner to be specified by the said agreement so to be entered into for uniting as aforesaid, and according to the mode or form, and table, contained or referred to in the said Schedule, No. XV,) and in like manner, and in the like proportions, at every succeeding monthly meeting; and the money shall be then, or within one week after, paid into the hands of the said treasurer, to be by him applied in discharge of the

Guardians to meet monthly.

Treasurer at each meeting to produce an account of debt incurred for utensils, furniture, &c.

No. XIV. 22 Geo. III. c. 83.

several articles and debts contained in such account: And the said treasurer shall also at the same time produce, fairly written, one other account of the victuals, beer, firing, and other necessaries, for the use and maintenance of the poor, and of the governor, at such house or houses, and all other incidental expences; which shall be then accounted for, and proportioned by the said guardians according to the number of persons which shall have been sent from each of the said respective parishes, townships, and places, and for the time they shall have resided in such house or houses, within such month, according to the mode or form, and table, and in the manner, for that purpose also mentioned in the said Schedule, No. XVI; and the sum due from each parish, township, or place, shall be specified at the foot of such account, which shall, when settled and agreed to, be signed by such guardians, or the major part of them, and be afterwards inspected by the visitor, if not a guardian, and allowed by him if he shall approve thereof; and in case default shall be made in payment of the respective sums so proportioned to be paid in respect of any such parish, township, or place, for seven days after the same shall be so settled and proportioned, and the money demanded, it shall and may be lawful for any justice of the peace for the limit where such house or houses shall be situate, upon complaint made to him upon oath of such default, to levy the said respective sums, to be settled and proportioned as aforesaid by distress and sale of the goods and chattels of any guardian of the poor for any such parish, township, or place, making such default; and at the end of every year the account shall be finally closed, and the balances paid and received, according to the mode prescribed by the said Schedule, No. XVI.

and also an account of the victuals, beer, &c. used in the poorhouse.

Penalty on persons refusing to deliver up poor's rates, &c. after proper demand.

XXV. And be it further enacted, That the churchwarden or overseer of the poor of any parish, township, or place, who shall have the custody of the poor's rates, assessments, or accounts, for such parish, township, or place, shall, and is hereby required to produce the same to the persons who shall be nominated, in the agreement contained in the said Schedule for uniting parishes, on every request made by them for that purpose, after four days' notice thereof, in order to enable them to ascertain the expences relative to the poor, on a medium of three years, according to the directions, true intent, and meaning of this Act, or in default thereof shall forfeit the sum of five pounds for every such refusal or neglect.

Penalty on guardians who shall neglect to attend monthly meetings.

XXVI. And be it further enacted, That if the guardian of the poor for any parish, township, or place, which shall adopt the said provision as aforesaid, shall not attend each monthly meeting hereby directed to be holden, or send some substantial inhabitant of such parish, township or place, to attend and answer the payments for him, in case he shall be prevented by sickness, or other unavoidable accident, from attending in person, the guardian for every such parish, township, and place, making such default, shall, for every such neglect, forfeit a sum not exceeding five pounds, nor less than forty shillings.

Waste land adjoining to poor houses may be inclosed with the consent of the lord of the manor, &c.

XXVII. And be it further enacted, That in order to encourage the salutary and benevolent purposes of this Act, and to afford better accommodations for the poor at such poor houses, it shall and may be lawful for the guardians of the poor, where any such poor house shall be provided, purchased, or agreed to be erected, to inclose from any waste or common land or ground lying near or adjoining thereto, with the consent and approbation of the lord of the manor, and the major part in value of the freeholders or persons having right of common thereupon, signified under their hands and seals, any part or portion of such waste or common land, not exceeding ten acres, for the purpose of building upon, or occupying, cultivating, and improving the same, for the use and benefit of such poor house, and the poor persons within the parish, township, or place, where the same shall be, or within the parishes, townships, or places, which shall be united therewith for the purposes of this Act.

Persons sent to poor houses to deliver an order signed by a guardian.

XXVIII. And be it further enacted, That every person or persons, to be sent to any house or houses to be provided under the authority of this Act, shall, at the time of his or her entering such house, deliver, or cause to be delivered, to the governor thereof, or to his assistant, if any, an order, signed by one of the guardians of the poor of the parish, township, or place

No. XIV.
22 Geo. III.
c. 83.

from which such person shall come, for the admission of such person or persons, in the form, or to the effect contained in the said Schedule, No. XII; which order shall be carefully kept by the governor, and entered by him in a book to be provided for that purpose.

What persons may be sent to the poor houses.

XXIX. 'And, to render the provisions of this Act more practicable and 'beneficial,' be it further enacted, That no person shall be sent to such poor-house or houses, except such as are become indigent by old age, sickness, or infirmities, and are unable to acquire a maintenance by their labour; and except such orphan children as shall be sent thither by order of the guardian or guardians of the poor, with the approbation of the visitor; and except such children as shall necessarily go with their mothers thither for sustenance.

How poor children are to be provided for.

XXX. And be it further enacted, That all infant children of tender years, and who, from accident or misfortune, shall become chargeable to the parish or place to which they belong, may either be sent to such poor house as aforesaid, or be placed by the guardian or guardians of the poor, with the approbation of the visitor, with some reputable person or persons in or near the parish, township, or place, to which they belong, at such weekly allowance as shall be agreed upon between the parish officers and such person or persons, with the approbation of the visitor, until such child or children shall be of sufficient age to be put into service, or bound apprentice to husbandry, or some trade or occupation; and a list of the names of every child so placed out, and by whom and where kept, shall be given to the visitor; who shall see that they are properly treated, or cause them to be removed, and placed under the care of some other person or persons, if he finds just cause so to do; and when every such child shall attain such age, he or she shall be so placed out, at the expence of the parish, township, or place, to which he or she shall belong, according to the laws in being: Provided nevertheless, That if the parents or relations of any poor child sent to such house, or so placed out as aforesaid, or any other responsible person, shall desire to receive and provide for any such poor child or children, and signify the same to the guardians at their monthly meeting, the guardians shall, and are hereby required to dismiss, or cause to be dismissed, such child or children from the poor house, or from the care of such person or persons as aforesaid, and deliver him, her, or them, to the parent, relation, or other person so applying as aforesaid: Provided also, That nothing herein contained shall give any power to separate any child or children, under the age of seven years, from his, her, or their parent or parents, without the consent of such parent or parents.

Idle persons who neglect to provide for their families shall be prosecuted by the guardians.

XXXI. And be it further enacted, That all idle or disorderly persons, who are able, but unwilling, to work, or maintain themselves and their families, shall be prosecuted by the guardians of the poor of the several parishes, townships, and places, wherein they reside, and punished in such manner as idle and disorderly persons are directed to be by the statute made in the seventeenth year of the reign of his late Majesty King *George* the Second; and if any guardian shall neglect to make complaint thereof, against every such person or persons, to some neighbouring justice of the peace, within ten days after it shall come to his knowledge, he shall, for every such neglect, forfeit a sum not exceeding five pounds, nor less than twenty shillings, one moiety whereof, when recovered, shall be paid to the informer, and the other moiety to be disposed of as the other forfeitures are hereinafter directed to be applied.

How guardians are to proceed relative to poor persons who cannot get employment.

XXXII. And be it further enacted, That where there shall be, in any parish, township, or place, any poor person or persons who shall be able and willing to work, but who cannot get employment, it shall and may be lawful for the guardian of the poor of such parish, township, or place, and he is hereby required, on application made to him by or on behalf of such poor person to agree for the labour of such poor person or persons, at any work or employment suited to his or her strength and capacity, in any parish, township or place, near the place of his or her residence, and to maintain, or cause such person or persons to be properly maintained, lodged and provided for, until such employment shall be procured, and during the time of such work, and to receive the money to be earned by such work or labour, and apply it in such main-

tenance, as far as the same will go, and make up the deficiency, if any; and if the same shall happen to exceed the money expended in such maintenance, to account for the surplus, which shall afterwards, within one calendar month, be given to such poor person or persons who shall have earned such money, if no further expences shall be then incurred on his or her account, to exhaust the same: And in case such poor person or persons shall refuse to work, or run away from such work or employment, complaint shall be made thereof by the guardian to some justice or justices of the peace in or near the said parish, township, or place; who shall enquire into the same upon oath, and on conviction punish such offender or offenders, by committing him, her, or them to the house of correction, there to be kept to hard labour for any time not exceeding three calendar months, nor less than one calendar month.

Guardians to provide suitable cloathing for the persons they send to the poor-houses.

XXXIII. And be it further enacted, That the guardian of the poor for any parish, township, or place, adopting the provisions of this Act as aforesaid, shall provide, at the expence of such parish, township, or place, suitable and necessary cloathing for the persons sent by him to such poorhouse as aforesaid; and in case of his neglect so to do, the governor or one of the guardians of every such house shall make complaint thereof to some neighbouring justice of the peace; who shall summon the guardian so making neglect to appear before him to answer the said complaint, and direct him to provide such cloathing as shall to such justice appear necessary; and if such guardian shall make default in providing such cloathing, within ten days after such direction, it shall and may be lawful for such justice of the peace to direct the governor of such poorhouse, or the guardian so making such complaint, to provide the same, and to demand from such guardian so making neglect, the charges and expences of such cloathing; and in default of payment thereof, upon demand made, it shall and may be lawful for such justice or justices of the peace to levy the same, and the costs and charges attending the recovery thereof, by distress and sale of the goods and chattels of every such guardian so making default.

Rules and orders contained in the schedule to be observed at the poor-houses.

XXXIV. And be it further enacted, That the rules, orders, and regulations, specified and contained in the schedule hereunto annexed, shall be duly observed and enforced at every poorhouse or workhouse to be provided by virtue of this Act, with such additions as shall be made by the justices of the peace of the limit wherein such house or houses shall be situate, at some special session; provided that such additions shall not be contradictory to the rules, orders, and regulations established by this Act, and provided that the same be not repealed by the justices at their quarter sessions of the peace; and for the purpose of having them more generally known, and more strictly attended to, the governors of every such house or houses shall, and are hereby required to cause the same to be printed in plain legible characters, and fixed up in some conspicuous part of every such house or houses.

XXXV. 'And whereas, by the said Act of the ninth of King *George* the 'First, directions are given touching the application to be made by poor 'persons, and the manner in which they are to be relieved, by orders from 'justices of the peace; but from a want of proper descriptions of the poor, 'who are to be the objects of such relief, from a want of proper accommo-'dations in many parishes, townships, and places, and from a want of the 'means of enforcing the orders of the justices for such relief, the said Act 'hath not had its proper effect, and the poor have been frequently reduced 'to hardships and distresses:' For remedy whereof, be it further enacted,

Justices, on complaint that any guardian hath refused relief to any poor person, may direct such guardian to send the complainant to the poor-house.

That it shall and may be lawful for any justice of the peace, on complaint made upon oath, by or on the behalf of any poor person belonging to any parish, township, or place, that the guardian, upon application made to him, hath refused such poor person proper relief, and after enquiring into the condition and circumstance of such poor person upon oath, either to order him or her, by writing under the hand of such justice, some weekly or other relief, or direct such guardian to send such poor person to the poor house, in case he or she shall appear a fit object to be kept and provided for there, according to the true intent and construction of this Act; which order shall be complied with, or sufficient cause shewn to the con-

trary, before such justice, by such guardian, within two days after he shall receive the same; (and every person receiving weekly relief shall wear the badge directed by the Act made in the eighth and ninth years of the reign of King *William* the Third, unless directed otherwise by a justice of the peace, upon proof of very decent and orderly behaviour;) or if it shall appear to such justice, that the person so complaining, or on whose behalf such complaint is made, is able and willing to work, but wants employment, in that case it shall and may be lawful for such justice to order the guardian to procure him or her maintenance and employment in the manner herein before directed; and if any guardian shall, upon due notice of any such order, refuse or neglect to obey the same, he shall, for every such refusal or neglect, forfeit the sum of five pounds; or if it shall appear to such justice, that the person making such complaint, or on whose behalf such complaint is made, is an idle or disorderly person, and has not used proper means to get employment, it shall and may be lawful for the justice, after examining such person, and hearing the whole circumstances of the case, to commit such person to the house of correction for any time not exceeding three calendar months, nor less than one calendar month; or if it shall appear to such justice, upon enquiry as aforesaid, that the husband or father of such person making complaint, or on whose behalf complaint shall be so made, for want of relief, is an idle or disorderly person, able to work, but by his neglect of work, or for want of seeking employment, or by spending the money he earns in alehouses, or places of bad repute, does not maintain his wife or children, and suffers them to be reduced to want, it shall and may be lawful for such justice of the peace, in like manner, to commit the husband of such poor woman, or the father of such poor child or children, to the house of correction, for any time not exceeding three calendar months, nor less than one calendar month.

If the justice shall find that the complainant is an idle person, he may commit him to the house of correction.

XXXVI. Provided always, and be it further enacted, That when any complaint or application shall be made to a justice of the peace, for the relief of any poor person, within any parish, township, or place, for which a visitor shall be appointed, such justice shall not summon the guardian to appear before him, unless application shall have been first made, by the person so complaining, to the guardian, and if he refuses redress to the visitor (it being part of his duty to adjust matters of that sort,) who shall order relief if he thinks it necessary, either within or out of the poor house, as he shall judge right; but if sufficient relief shall not be so given or ordered, the poor person complaining, or on whose behalf such complaint shall be made, shall be redressed by such justice in the manner herein before directed.

Guardian not to be summoned before the justice, unless the complainant shall have applied both to the guardian and visitor.

XXXVII. And be it further enacted, That out of the penalty hereby inflicted upon the guardian for disobeying the order of a justice of the peace for the relief and maintenance of any poor person, so much thereof as the justice of the peace who shall convict such offender shall direct to be paid to such poor person to whom such relief was ordered, shall be paid to him or her accordingly, and the remainder applied in such manner as the other penalties are hereby directed to be disposed of.

Application of penalties inflicted on guardians.

XXXVIII. And be it further enacted, That if any poor person shall be retarded on his or her passage through any parish, township, or place, in which he or she has no legal settlement, by reason of his or her meeting with any accident, or being afflicted with any dangerous sickness or bodily infirmity, without the means of subsistence, or of proceeding to the place of his or her settlement, the guardian living near the place where such distressed object shall be, shall, and is hereby required, upon notice thereof, forthwith to provide lodging, and suitable nourishment and assistance (and also cloathing if necessary) for such person, until he or she can be removed with safety; and when such person shall be in a state of health fit to be removed, shall take such person to some neighbouring justices of the peace of the county, riding, division, city, or place, where such person was found, who shall examine him or her upon oath, touching the place of his or her settlement, and make an order for his or her removal thither, if they think fit: And the parish officer who shall so receive and provide for such person or persons as aforesaid, shall make a charge of the expences attending

Directions relative to such poor persons who shall be afflicted with sickness, &c. when at a distance from their parish.

79215

the same, which, on being allowed and certified by the justices before whom such poor persons shall be so taken, or some other neighbouring justices within the limit where such poor person was found, the same shall be paid by the guardian of the parish, township, or place, where such poor person shall be settled, in case the same can be discovered, and shall happen to be within that county, on demand made thereof, and on the production of such allowance and certificate as aforesaid; or in default of payment, the same shall be levied upon the goods and chattels of any such guardian so making default, after due summons, by warrant from a justice of peace having jurisdiction there; and if any poor and sick person circumstanced as aforesaid shall die before he or she can be so examined, or if any poor person shall be found dead in any parish or place to which he or she did not belong, the guardian of such parish or place respectively shall, and is hereby required, in every such case, to cause such person to be buried in the parish, township, or place, where he or she so died, or was found dead, and shall make a charge of the expences attending the same respectively, which shall be allowed and certified by a justice of the peace, after examining into the place of his or settlement, and shall be paid by the guardian of the parish, township, or place, where such person shall appear to have been settled, if the same shall be within that county; but in case the settlement of such poor persons respectively cannot be discovered, or shall not be within that county, the same shall be paid by the treasurer of such county, riding, division, city or place, where such person was so relieved, on the production of such allowance and certificate, out of the county or publick money to be collected within his limit, and allowed to such treasurer in his accounts.

Not to alter the settlement of any person, &c.

XXXIX. And be it further enacted, That nothing herein contained shall extend, or be construed to extend, to alter or affect the settlement of any person or persons whomsoever, or to give any illegitimate child, who may be born in any poor house or workhouse established under the authority of this Act, a settlement in the parish or place in which such workhouse or poor house shall be situated (but every such child shall be considered as settled in the parish or place to which the mother belongs), or to alter or affect any of the provisions, directions, rules, orders, or regulations, established by any Act or Acts of Parliament for the management and government of any particular house of industry or workhouse, in any part of this kingdom; any thing herein contained to the contrary thereof in any wise notwithstanding.

Penalty on persons who shall embezzle or waste goods, &c.

XL. And be it further enacted, That if any poor person, who shall be sent to such house or houses, shall embezzle or wilfully waste any of the goods or materials committed to his or her care, or shall take or carry away, without permission of the governor, any goods or materials provided for the use of such house, or belonging to any person residing there, complaint shall be made thereof upon oath to some neighbouring justice of peace living near such house; who shall hear the same, and the party accused; and such justice is hereby authorised, upon conviction, to commit such offender to the house of correction, there to be kept to hard labour for any time not exceeding six calendar months, nor less than two calendar months, as the said justice shall think fit and direct.

Penalty on enticing or removing pregnant women, &c.

XLI. 'And whereas it frequently happens that poor children, pregnant 'women, or poor persons afflicted with sickness, or some bodily infirmity, 'are enticed, taken, or conveyed by parish officers, or other persons, from 'one parish or place to another, without any legal order of removal, in 'order to ease the one parish or place and to burthen the other with such 'poor persons:' For remedy whereof, be it further enacted, That when any guardian, or other person or persons, shall so entice, take, convey, or remove, or cause or procure to be so enticed, taken, conveyed, or removed, any such poor person or persons from one parish or place to another, which shall adopt the provisions of this Act, without an order of removal from two justices of the peace for that purpose, every person or persons so offending shall, for every such offence, forfeit a sum not exceeding twenty pounds, nor less than five pounds.

Penalty on

XLII. And be it further enacted, That if any visitor, guardian, or gover-

nor, shall sell or furnish any materials, goods, clothes, victuals, or provisions, or do any work in his trade, for the use of any workhouse, poor house, or poor persons, within any parish, township, or place, for which he shall be so appointed to act, or be concerned in trade or interest with any person or persons who shall sell, provide, do, or furnish the same, he shall, for every such offence, forfeit a sum not exceeding twenty pounds, nor less than five pounds, on being duly convicted thereof by a justice of the peace.

visitors, guardians, and governors, who shall furnish provisions, &c.

XLIII. And be it further enacted, That it shall and may be lawful for the guardians of the poor of any parish, township, or place, which shall adopt the provisions of this Act, with the approbation of the persons within such parish, township, or place, qualified as herein before mentioned, obtained at a publick meeting, held for that purpose, to sell or dispose of any house, cottage, or building, which shall have been erected or purchased for the use of any poor person or persons, at the expence of such parish, township, or place, and apply the money arising therefrom for the purposes of this Act; and also to remove, by order from a justice or justices of the peace, the person or persons who shall inhabit the same, or any other house or dwelling rented or provided at the expence of such parish, township, or place, if he, she, or they refuse to quit, after receiving fourteen days' notice for that purpose.

Guardians, with the approbation of the parishioners, may sell houses provided by the parish for the poor thereof.

XLIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to or affect, or be deemed, construed or adjudged to extend to or affect, any parish, township, or place, which shall not agree to adopt the provisions herein contained, in the manner hereby directed and prescribed; any thing herein contained to the contrary thereof notwithstanding.

Act not to extend to any place which shall not adopt, &c.

XLV. And be it further enacted, That all penalties inflicted by this Act shall be recovered before one or more justice or justices of the peace of the jurisdiction where the offender dwells; who shall, upon conviction, in default of payment, after due summons, and demand made, cause the same to be levied by distress and sale of the offender's goods and chattels, by virtue of a warrant under the hand and seal of any justice of the peace having jurisdiction where such offender shall dwell, rendering to the said offender the overplus (if any) after the charges of such distress and sale shall be deducted; and in case sufficient distress shall not be found, then, and in every such case, it shall and may be lawful to and for any such justice of the peace to commit such offender to the house of correction, there to remain, without bail or mainprize, for any space not exceeding six calendar months, nor less than one calendar month; and that every such penalty and forfeiture, if not hereby otherwise directed to be disposed of, shall be paid to the treasurer of every such house or houses, where any such shall be established under the authority of this Act, to be applied by him towards defraying the monthly expence of victuals, beer, firing, and other necessary provisions for the poor within such house or houses.

Penalties and forfeitures.

XLVI. And be it further enacted, That any person aggrieved by the Act of any justice or justices of the peace out of Sessions, in or concerning the execution of this Act, may appeal to the next general quarter sessions of the peace for the county, riding, liberty, division, precinct, or district, wherein such Act was done, giving eight days' notice thereof to the party against whom the complaint shall be made, and giving security, by recognizance, to be acknowledged before a justice of the peace, with a sufficient surety, to pay the costs attending such appeal, if the matter shall be determined against the appellant; and the justices at such quarter sessions are hereby authorized to hear and determine such appeal, and to award costs, for or against the appellant, as they shall see just cause so to do; which determination shall be final, and shall not be removed by *certiorari*.

Appeal.

XLVII. And be it further enacted, That this Act shall be deemed and taken to be a publick Act; and shall be judicially taken notice of as such by all judges, justices, and other persons whomsoever, without specially pleading the same.

Publick Act.

No. XIV. 22 Geo. III. c. 83.

SCHEDULE containing the FORMS of PROCEEDINGS referred to by the aforesaid Act.

No. I. Form of Agreement at a Publick Meeting, for a single Parish or Township to adopt the Provisions, Rules, and Regulations, of an Act, made in the twenty-second Year of *George* the Third, *For the better Relief and Employment of the Poor.*

IT is agreed, at a publick meeting duly holden this day of at in the county of pursuant to the directions of an Act, made in the twenty-second year of King *George* the Third, *for the better Relief and Employment of the Poor*, That the parish [*or* township] of [*as the case shall be*] shall from henceforth adopt, in all respects, the provisions, rules, orders, and regulations, and comply with all the requisites prescribed by the said Act; and that our workhouse [*if there is one*] shall be immediately fitted up and accommodated for the purposes mentioned in the said Act.—[*If there is none*] We will forthwith provide a proper workhouse, either by erecting a new one, or hiring, altering, and fitting up buildings suitable to the purpose, at some convenient place within our parish, *et cetera*. And we recommend to the consideration of the justices and as fit and proper persons for guardians of the poor; and and as fit and proper persons for governors of the poorhouse, for the said parish, township, *et cetera* [*as the case shall be*].

Given under our hands, *et cetera*.

No. II. Form and Consent of Approbation of the Justices.

WE A. B. and C. D. Esquires, two of his Majesty's justices of the peace for the county, *et cetera*, of [*as the case shall be*], considering the parish or township, *et cetera*, of within the said county, *et cetera*, to be of magnitude sufficient to have a workhouse provided within it for the reception and employment of the poor, and to adopt the provisions of the Act (for the better relief and employment of the poor) passed in the twenty-second of the reign of King *George* the Third, do hereby give our approbation and consent thereto, pursuant to the directions of the said Act; and we do also agree to the salaries fixed by the said agreement to be paid to the guardian and governor.

Given under our hands, this day of

No. III. Form of Agreement, at the Publick Meeting, for two or more Parishes, Townships, or Places, to unite in adopting the Provisions of the Act, made in the twenty-second Year of King *George* the Third, "for the better Relief and Employment of the Poor."

IT is agreed, at a publick meeting duly held this day of at in the county of pursuant to the directions of the said Act, that the parish [*or* township] of [*as the case shall be*] shall, from henceforth, in conjunction with the parishes or townships of and [*as the case shall be*], adopt in all respects the provisions, rules, orders, and regulations, and comply with all the requisites prescribed by the said Act for parishes uniting for those purposes; and that a convenient workhouse, and other buildings and necessary conveniences, shall be immediately provided at or near and properly fitted up and accommodated for the purposes mentioned in the said Act: and we recommend to the consideration of the justices of the limit wherein such workhouse will be situate, A. B., C. D. and E. F., as fit and proper persons qualified for guardians of the poor; and G. H., I. K., and L. M., as fit persons to be governors

of the poor house for the said parish [*or* township, *as the case shall be*]; and do agree to allow the person who shall be appointed guardian a salary of *per annum* for his trouble in executing that office; and to the person who shall be appointed governor of the poor house a salary of for his trouble in executing that office.

No. IV. Form of Agreement for uniting the Parishes [or Townships, *as the Case shall be*] of *A*, *B*, *C*, and *D*, for the Purpose of providing a House or Houses, and the better maintaining and employing their Poor, pursuant to the Statute of the twenty-second Year of King *George* the Third.

IT is agreed, this day of by and between the guardians of the poor of the parishes of and and of the townships of and in the county of (which maintain their own poor separate and distinct from the other parts of their respective parishes), whose names are hereunto subscribed, pursuant to the opinion of two-third parts, in number and value as aforesaid, of the owners or occupiers of lands, tenements, and hereditaments, assessed to the poor's rates within such respective parishes and townships, at meetings duly held for that purpose, qualified according to the directions of the Act passed in the twenty-second year of the reign of his Majesty King *George* the Third, and with the approbation of A. B. and C. D. two justices of the peace, according to the directions of the said Act, that the said respective parishes and townships shall be united for the better maintaining and employing their poor; and that a convenient house or houses, with proper buildings and accommodations thereto, and with land fit for gardens, orchards, and the keeping of a cow or cows, shall be built [purchased *or* hired, *as shall be found most suitable*], at or near for the reception and accommodation of the poor, as soon as conveniently may be, and if hired, the same shall be rented upon such terms as shall be agreed upon between the guardians of the poor of the said several parishes and townships, or the major part of them, and the person or persons owning or being authorised to let such buildings, lands, and premises; but no such agreement shall be made for a longer term than twenty-one years, unless the guardian or guardians shall have an option to vacate it at the end of that term, on giving twelve months' notice in writing of his or their intentions so to do, nor for a shorter term than three years; and such houses shall be fitted up and made convenient for the purposes aforesaid, at the expense of the landlords [*or* tenants, *as shall be agreed between them*]: that the rents of the said houses, the expenses of fitting up, making additions or alterations [*where they shall be agreed to be paid by the tenants,*] and of the furniture thereof, and also the utensils and materials to be used for the purpose of employing the poor, and the wages and allowances to be paid to the governor of the house, shall be paid by the said several guardians in their due proportions, according to the amount of the money raised by the poor's rates for their several parishes and townships, in respect of their poor, on a medium of three years preceding such agreement; and that such proportion shall be ascertained by and whom we have nominated for that purpose, and shall be paid by the guardians of the poor of the said respective parishes and townships, to the person who shall be authorised to receive the same, within seven days after the same shall be so ascertained; and that the money earned by the labour of such poor shall be brought to the credit of that account at the end of every year: that the expenses of victuals, beer, and firing, for the poor and the governor [and for the assistants, *when any shall be found necessary,*] in every such house or houses, with all other small incidental expences, shall be proportioned, at the end of every month, according to the number of poor which shall be sent from each of the said respective parishes, townships, and places, and for the time they shall have resided there within such month: that the guardians of the

No. XIV. 22 Geo. III. c. 83.

poor of any of the said parishes, townships, or places, shall be at liberty to withdraw from this agreement at the end of the first three years, or any succeeding three years, on giving twelve months notice of such their intention, if it shall be so determined by three fourth parts of the owners or occupiers of lands, tenements, or hereditaments, assessed to the poor's rates, and qualified as aforesaid, at a publick meeting, summoned by due notice as aforesaid, specifying the occasion of such meeting; and in such case, they shall receive one half of their due proportion, to be ascertained by the persons above named, or such other persons as the parties shall agree upon for that purpose, or the value of the furniture, stock, utensils, and implements, then remaining at such poor house, after paying their proportion of the rent, and of the salaries to the governor and other officers, to the end of the then growing year: and that the guardians of the poor of each parish, township, and place, shall provide suitable and convenient cloathing for the poor, to be sent to the said house or houses, from their respective parishes, townships, or places, and charge the expenses thereof in their accounts. And we recommend to the justices of the limit where such house is to be situated, A. B., C. D., and E. F., as persons duly qualified for the office of visitor of the said poor house, and I. K., L. M., and N. O., as persons duly qualified for the office of governor of the said poor house.

We, A. B. and C. D. the justices of peace mentioned in the within-written agreement, do hereby give our approbation to the parishes and places herein named being united for the purposes of the Act within-mentioned.
Witness our hands, this day of

No. V. Form of Entry to be made by the Clerk of the Peace or Town Clerk.

BE it remembered, That on the day of A. B. deposited in my hands a copy of the agreement made between the churchwardens and overseers of the poor of the parishes or townships of and [*as the case shall be*] in the county, *et cetera*, [*as the case shall be*] of uniting in hiring, purchasing, or building houses, at or near in the said county, *et cetera*, and providing for the maintenance and employment of a certain description of poor persons belonging to the said parishes, townships, and places, pursuant to the statute made in the twenty-second year of the reign of his Majesty King *George* the Third.

No. VI. Form of a Notice for the Meeting.

NOTICE is hereby given, That a publick meeting, to consult the owners or occupiers of lands, tenements, or hereditaments, assessed after the rate of five pounds *per annum*, about hiring, purchasing, or building [*as the case shall be*] a house or houses, and providing for the maintenance and employment of the poor, pursuant to the statute of the twenty-second year of *George* the Third, will be held at the day of at in the forenoon.

No. VII. Form of Appointment of a Guardian.

WE, A. B. and C. D. two of his Majesty's justices of peace for the county of acting for the hundred, *et cetera*, of in the said county, do hereby appoint E. F. of to execute the office of guardian of the poor for the parish, *et cetera*, of within the said hundred, *et cetera*, for one year, to be computed from to which he has been recommended at a publick meeting holden the day of pursuant to the directions of the Act passed in the twenty-second year of the reign of his Majesty King *George* the Third, *For the better Relief and Employment of the Poor*.

Given under our hands, this day of

[*The like form for visitor, only varying the description of the office, and when appointed for united parishes*, et cetera, *name them.*]

[*The like form for appointing a governor and treasurer, only varying that of a treasurer, by adding*, to which he has been recommended by the guardians.]

No. VIII. Form of a Draft by the Guardian on the Churchwarden or Overseer appointed to collect the Poor's Rates.

To A. B. *Collector of the Poor's Rates of the Parish* [*or Township*] *of* [as the case shall be.]

YOU are hereby authorised and directed to pay to C. D. the sum of for [*here describe the occasion of the payment, whether for* house rent, cloathing, *or for* weekly relief of poor persons, *et cetera, et cetera, as the case shall be*] and take his receipt for the same, which will be your discharge for such payment. Dated this day of

E. F.

Guardian of the poor for the parish [or township] aforesaid.

No. IX. Form of Appointment of a Deputy Visitor.

I, A. B. visitor of the poor and poor house for the parish, township, *et cetera*, of [*or*, for the united parishes, townships, *et cetera*, of and] in the county of do hereby nominate and appoint C. D. to be my deputy visitor and assistant, during my will and pleasure, pursuant to the power given to me by an Act, passed in the twenty-second year of the reign of his Majesty King *George* the Third, intituled, *An Act for the better Relief and Employment of the Poor*, and authorise him to discharge the duty required of him by the said Act.

Witness my hand, this day of

No. X. Form of Certificate of serving the Office of Visitor.

I, A. B. one of his Majesty's justices of the peace for the county, *et cetera* [*as the case shall be*], of do hereby certify, That C. D. of in the said county, hath been appointed to, and is now serving, the office of visitor of the poor for the parish or township of [*or* for the parishes and townships of] in the said county [*as the case shall be*], pursuant to the direction of the Act passed in the twenty-second year of the reign of his Majesty King *George* the Third.

Dated this day of

No. XI. Form of Security for Money borrowed.

BY virtue of an Act, made in the twenty-second year of the reign of his Majesty King *George* the Third, intituled, *An Act for the better Relief and Employment of the Poor*, we A. B. visitor, and C. D. guardian of the poor, for the parish [*or* township, *as the case shall be*] of E. in the county, city, *et cetera*, of in consideration of the sum of to us in hand paid by for the purpose of purchasing, building, erecting, repairing, fitting up, *or* furnishing, *et cetera* [*as the case shall be*], a convenient house, buildings, and offices, for the reception, accommodation, and employment of the poor of the said parish or township, and for providing suitable stock and utensils for that purpose, do hereby charge the poor's rates to be hereafter made, and the several sums of money to be raised thereupon, within the said parish [*or* township, *as the case shall be*], with the payment of the said principal sum, and interest after the rate of *per centum per annum*, half-yearly, as the same shall become due.

No. XII. Form of Order for Admission of Paupers.

To the Governor of the Poor House at E.

YOU are hereby ordered and required to receive A. B. [*describe his or her age, and whether married or single*], a poor person belonging to the parish [*or* township, *as the case shall be*] of in the county of D. into the poor house at E. and to accommodate and provide for such person in a proper manner, according to the rules and establishment of the said house.

Given under my hand, this day of

H. G.

Visitor [*or* Guardian, *as the case shall be*].

No. XIII. Form of the Justice's Direction to excuse the Badge.

I, A. B. a justice of peace for the county, [riding, division, *et cetera, as the case shall be*] of having received proof upon oath before me, that C. D. a poor person receiving weekly relief from the parish [township, *et cetera, as the case shall be*] of in the county, *et cetera*, of is a person of very decent and orderly behaviour, do hereby direct the guardian [*or* overseer, *if no guardian*] of the poor for the said parish, *et cetera*, to omit putting the badge upon the coat [*or* gown, *if a female*] of the said C. C. and to excuse his [*or* her] wearing the same, as long as he [*or* she] shall continue to behave orderly and decently.

Dated this day of

No. XIV. Form of the Transfer of the Security for the Money advanced.

I DO transfer this security, with all my right and title to the principal money hereby secured, and to all the interest now due, or hereafter to be due, unto C. D. his executors, administrators, and assigns.

Dated this day of

Witness E. F. A. B.

No. XV. Mode of adjusting the first Account mentioned in the Act, respecting Utensils, Materials, Furniture, Rent, *et cetera*.

LET it be supposed that the parishes or townships of A. B. C. and D. have agreed to be united under the authority of the Act; and that E. and F. are the persons named in the agreement as arbitrators or referees, to settle and adjust the proportions which each parish or place is to pay.

It will be necessary for E. and F. at the first meeting, to call upon the officers of every such parish, township, or place, for their assessments and accounts, in order to see what they have paid to their poor, on a medium of three years preceding the agreement; who are required by the Act to produce them, under a penalty for refusal.

When the arbitrators have got these materials, it will be necessary to separate and deduct every matter which does not relate to the poor: for instance, money paid to the county rates, or for the expences of the constable, headborough, or militia, which are all now included in the poor's rates; and, as some of these parishes may have had expences occasioned by litigations about settlements and removals, and others may not, they should exclude all such expences in the account.

When the accounts have been so inspected and examined, and the proper deductions made, they may be supposed to appear:

	£	s.	d.
That A. has paid for the first of the three years -	65	7	6
for the second - - - -	87	2	0
for the third year - - -	105	0	0
Making together	257	9	6
A third part of which sum (being A.'s medium) will be -	85	16	6
Let B.'s payments be calculated in the same manner, which may be supposed to amount, on the medium of three years, to - - - - - -	110	0	0
C.'s do. to - - - - - -	97	0	0
D.'s do. to - - - - - - -	140	0	0
The total amount of the annual payments will be	432	16	6

Suppose the month's expences paid by the several parishes under the above heads, according to the directions of the Act, should amount to 300*l.* the question will be, if 432*l.* 16*s.* 6*d.* (the total medium of all the parishes) require 300*l.* what will 85*l.* 16*s.* 6*d.* require? When that shall be worked by the rule of three, multiplying the third number by the second, and dividing it when so multiplied by the first, the answer will be

That A.'s proportion amounts to - - -	59	9	5
B.'s proportion, when worked in the same manner, will be	76	5	0
C.'s do. - - - - - -	67	4	7
D.'s do. - - - - - - -	97	1	0
Making together the whole sum expended	300	0	0

When those medium sums shall be settled and proportioned at their first meeting, there will be no occasion to repeat that trouble afterwards, as the first sum will be the same on all future calculations; and to prevent trouble in adjusting the proportions at every monthly meeting, at every poor-house, soon after the first medium proportions shall be so ascertained, there shall be a table fixed, calculating the proportions of each parish, township, or place, to any given sum, from the smallest to the greatest, that is likely to be expended in that district within the month; which will make every account clear and easy to the meanest understanding, and will be liquidated in an instant.

No. XVI. Mode of adjusting the second Account mentioned in the Act, respecting the Victuals, Beer, Firing, and other Necessaries.

AS soon as the agreement is made for uniting several parishes, &c. the guardians shall meet and consider what will be a proper weekly sum to be paid into the hands of the treasurer for every person admitted into the poor house, estimating it as near as they can to the probable expence of maintaining them; the guardians should pay to the treasurer, at every monthly meeting, what shall be due for every such person, upon that calculation, for the time he has been kept there in the month preceding; and, in order to avoid fractions, if any person shall have been there four days, or more, in any of the weeks, it should be considered as a full week, and if less than four days, no charge should be made for it: That, in order to avoid difficulties in adjusting the account, a table should be provided, in like manner as before, and fixed up in the house, with proper columns for the number of persons, the number of weeks, and the total amount, according to the weekly sum so agreed upon; by which that account will likewise be settled without the least trouble or difficulty.

The several monthly sums paid by each parish on this second account, and also the gross sums, should be entered in the treasurer's books; and at the end of the year it should be computed whether the payments by the several parishes have amounted to more, or less, than the sum expended; if to more, the guardian of each parish should receive, if to less, he should

No. XIV. 22 Geo. III. c. 83.

pay his proportion thereof to the treasurer, to be computed according to the first account, as directed by the Act.

Rules, Orders, Bye-laws, and Regulations, to be observed and enforced at every Poor House to be provided and established under the Authority of the Act of the twenty-second Year of King *George* the Third.

First. THAT the several persons who shall be sent to any such poor house, who are capable of doing any work, shall be employed by the governor in some labour which may be best suited to their strength and capacity.

Second. That the governor shall take particular care to keep the said house, and the several apartments therein, and also the several persons who shall inhabit the same, clean and wholesome; and for that purpose he shall employ such of the said poor persons who shall be sent thither, whom he shall think most able and best qualified for the offices, to assist him therein, and also in the providing and dressing victuals for the use of such poor persons; and if any such poor person shall refuse or neglect to perform the work or labour in which he or she shall be so employed, or shall be directed to do by the governor, every such person shall be punished by confinement, or alteration of diet, in such manner as the governor shall direct; and for a second offence of the like sort, complaint thereof shall be made to some justice of the peace for the limit, who, on conviction, shall commit such person to the house of correction for any time not exceeding two calendar months, nor less than one calendar month.

Third. That the apartments in the house or houses to be provided as aforesaid, shall be adapted so as to accommodate the poor who shall be sent thither in the best manner they are capable.—That the governor shall place in the best apartments such poor persons who, having been creditable housekeepers, are reduced by misfortune, in preference to those who are become poor by vice and idleness; and that separate apartments shall be provided for the reception of the sick and distempered poor, and an apothecary or surgeon to be sent for to attend them when there shall appear necessity for it, at the expence of the parish or place to which such poor persons belong.

Fourth. That such poor persons who are able to work, shall be called up by ring of bell, and set to work by six in the morning from *Lady-day* to *Michaelmas*, and by eight from *Michaelmas* to *Lady-day*; and continue until four in the afternoon from *Michaelmas* to *Lady-day*, and from *Lady-day* to *Michaelmas* till six in the afternoon (meal times and times for reasonable recreation excepted); and if any such poor person shall refuse or neglect to do such work as shall be allotted him or her, or wilfully spoil the same, or depart from such house without leave from the governor, or shall be guilty of any disorder or disobedience to these rules and orders, the governor shall reprove such person for the same, and punish him or her by confinement or alteration of diet, as the said governor shall think fit; and if such person shall be guilty of the like offence a second time, the governor shall complain thereof to the visitor of such house, who is hereby authorised to order the punishment of confinement to be increased to such degree as he shall think fit.

Fifth. That the governor shall enter in a book to be kept by him, an account of the household goods, linen, furniture, and utensils provided for the said house; and also an account of the materials bought for manufacture, and of the goods manufactured there; which shall be laid before the guardians at their monthly meeting, and before the visitor whenever he comes to such house.

Sixth. That the governor shall visit the several persons maintained in such house or houses, and their apartments, once at least in every day; and shall take care that there is no waste of fire, candles, or provisions; and shall see that the fires and candles are put out at the hours fixed for

No. XIV. 22 Geo. III. c. 83.

such persons going to bed, which shall be at eight of the clock between *Michaelmas* and *Lady-day*, and nine between *Lady-day* and *Michaelmas*.

Seventh. That when any person shall die in the house, the governor shall take care that the body of such person be immediately removed into some separate apartment, and be decently buried, as soon as conveniently may be; and also take care of the clothes and goods of such person, and deliver them to the guardian of the poor of the parish or place to which such person did belong, who is to pay the charges of the funeral of such poor person.

Eighth. That no poor person be permitted to go out of the poor house, nor any permitted to come into such house or houses, except the persons maintained and employed there, without the permission of the governor; and that no spirituous liquors be permitted to be drank in such houses; and that no other liquors shall be brought thither, without the permission of the said governor.

Ninth. That the rules, orders, and bye-laws shall be publickly read by the governor to all the poor persons kept in such house or houses, once at least in every month.

Tenth. That all the poor persons able to go to church, shall attend divine service every *Sunday*.

Eleventh. That the governor shall dismiss from the poor house, or workhouse, every person who shall, in the opinion of the guardian or guardians, be thought improper to continue longer there, and upon an order from him or them for that purpose.

[No. XV.] 30 George III. c. 49.—An Act to impower Justices, and other Persons, to visit Parish Workhouses or Poor Houses, and examine and certify the State and Condition of the Poor therein to the Quarter Sessions.

No. XV. 30 Geo. III. c. 49.

'WHEREAS the laws now in being for the regulating parish workhouses or poor houses have been found in certain instances deficient and ineffectual, especially when the poor in such houses are afflicted with contagious or infectious diseases, in which cases particular attention to their lodging, diet, clothing, bedding, and medicines is requisite;' Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the twenty-ninth day of *September*, one thousand seven hundred and ninety, it shall and may be lawful to and for any of his Majesty's justices of the peace, or any physician, surgeon, or apothecary, for that purpose authorized by warrant under the hand and seal of any such justice or justices, or for the officiating clergyman of the parish or place, duly authorized as aforesaid, at all times, in the day time, to visit any parish workhouse, or house kept or provided for the maintenance of the poor of any parish or place, within the county, riding, liberty, or division, wherein such justice or justices shall be resident and shall have jurisdiction, to examine into the state and condition of the poor people therein, and the food, cloathing, and bedding, of such poor people, and the state and condition of such house or houses; and if upon any such visitation the said justice or justices, or persons duly authorized as aforesaid, shall find any cause or occasion of complaint, that then and in such case such justice or justices, or persons duly authorized as aforesaid, shall, and they are hereby authorized and empowered, if he or they shall think fit, to certify the state and condition of such workhouse or poorhouse, and the state of the poor therein, and of their food, cloathing, and bedding, to the next quarter sessions of the peace to be held for such county, riding, liberty, or division, wherein such workhouse or poorhouse shall be situate, under his or their hands and seals respectively; and such justice or justices, or other persons duly authorized as aforesaid, shall cause the overseers of the poor, or master or governor of the said workhouse or poorhouse of such parish or place, to be summoned to appear at the same sessions, to answer such complaint; and the justices assembled at such quarter sessions, on hearing the parties on any

Preamble.

From Sept. 29, 1790, justices, &c. may visit workhouses, and certify the state of the poor to the next quarter sessions, &c.

Justices at the quarter sessions to remove causes of complaint.

No. XV. 30 Geo. III. c. 49.

such complaint, shall and may, and they are hereby authorized to make such orders and regulations, for the removing of any cause of complaint contained in such certificate as aforesaid, as to them shall seem meet; and all the parties concerned shall, and they are hereby required to abide by and perform such orders and regulations as shall be so made by the justices at the said sessions.

If in such visitation any of the poor should be found afflicted with contagious diseases, &c. Application to be made to the justices of the division, who are to give order for immediate relief, &c.

II. Provided always, and be it further enacted by the authority aforesaid, That in case any justice or justices of the peace, or persons duly authorized by warrant as aforesaid, shall, upon any such visitation, find any of the poor in any parish workhouse or poorhouse afflicted with any contagious or infectious disease, or in want of immediate medical or other assistance, or of sufficient and proper food, or requiring separation or removal from the other poor in the said house, then and in such case or cases, if such visitation shall be made by a justice of the peace, it shall and may be lawful to and for such justice, and he is hereby directed and required to apply to one or more other justice or justices of the peace, in the county, riding, liberty, or division, and certify to him or them the state and condition of the poor in such parish workhouse or poorhouse; or if such visitation shall be made by the persons duly authorized as aforesaid, then and in such case or cases it shall and may be lawful to and for such persons, and they are hereby directed and required to apply to two or more justices of the peace in such county, riding, liberty, or division; and thereupon the said justices shall and may, and they are hereby authorized to make such order for the immediate procuring medical or other assistance, or of sufficient and proper food, or for the separation or removal of such poor as shall be afflicted with any contagious or infectious disease, in such manner as they the said justices, under their hands and seals, shall think proper to direct, until the next quarter sessions of the peace to be held in and for the said county, riding, liberty, or division, wherein such workhouse or poorhouse shall be situate; at which quarter sessions of the peace the said two justices are to certify the same, under their hands and seals respectively, to the justices assembled at such quarter sessions, who are hereby authorized and required to make such order for the further relief of the poor in such parish workhouse or poorhouse, as to the justice assembled at such quarter sessions shall seem meet and proper; and the charges and expences of relieving such poor shall be, and is hereby directed to be paid out of the poor's rate of such parish, in such manner as the said justices assembled at such quarter sessions shall direct.

Expences of relief to be paid out of the poor's rate.

Not to extend to workhouses regulated by special Act of Parliament.

III. Provided always, That nothing herein contained shall extend, or be construed to extend, to any poorhouse or workhouse in any district or districts which have been, or may be hereafter incorporated or regulated by any special Act or Acts of Parliament.

[No. XVI.] 35 George III. c. 101.—An Act to prevent the Removal of poor Persons, until they shall become actually chargeable. [22*d June*, 1795.]

No. XVI. 35 Geo. III. c. 101.

13 & 14 Car. 2. c. 12, recited.

'WHEREAS by an Act, passed in the thirteenth and fourteenth years of the reign of King *Charles* the Second, intituled, *An Act for the better Relief of the Poor of this Kingdom*, reciting, That whereas, by reason of some defects in the law, poor people are not restrained from going from one parish to another, and therefore do endeavour to settle themselves in those parishes where there is the best stock, the largest commons or wastes to build cottages, and the most woods for them to burn and destroy; and when they have consumed it, then to another parish, and at last become rogues and vagabonds, to the great discouragement of parishes to provide stocks where it is liable to be devoured by strangers; for remedy whereof, it is thereby amongst other things, enacted, That it shall and may be lawful, upon complaint made by the churchwardens or overseers of the poor of any parish, to any justice of the peace, within forty days after such person or persons coming so to settle as aforesaid, in any tenement under the yearly value of ten pounds, for any two justices of the

No. XVI. 35 Geo. III. c. 101.

'peace, whereof one to be of the quorum, of the division where any person 'or persons that are likely to become chargeable to the parish shall come 'to inhabit, by their warrant, to remove and convey such person or persons 'to such parish where he or they were last legally settled, either as a na- 'tive, householder, sojourner, apprentice, or servant, for the space of forty 'days at the least, unless he or they give sufficient security for the dis- 'charge of the said parish, to be allowed by the said justices: And whereas 'many industrious poor persons, chargeable to the parish, township, or 'place, where they live, merely from want of work there, would, in any 'other place, where sufficient employment is to be had, maintain themselves 'and families without being burthensome to any parish, township, or place; 'and such poor persons are for the most part compelled to live in their 'own parishes, townships, or places, and are not permitted to inhabit else- 'where, under pretence that they are likely to become chargeable to the 'parish, township, or place, into which they go for the purpose of getting 'employment, although the labour of such poor persons might, in many in- 'stances, be very beneficial to such parish, township, or place: And whereas 'the remedy intended to be applied thereto, by the granting of certificates, 'in pursuance of the Act passed in the eighth and ninth years of the reign 'of King *William* the Third, intituled, *An Act for supplying some Defects 'in the Laws for the Relief of the Poor of this Kingdom*, hath been found 'very ineffectual; and it is necessary that other provisions should be made 'relating thereto;' Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act, so much of the said in part recited Act of the thirteenth and fourteenth years of King *Charles* the Second, as enables the justices to remove any person or persons that are likely to be chargeable to the parish, township, or place, into which they shall come to inhabit, shall be, and the same is hereby repealed; and that from henceforth no poor person shall be removed, by virtue of any order of removal, from the parish or place where such poor person shall be inhabiting, to the place of his or her last legal settlement, until such person shall have become actually chargeable to the parish, township, or place, in which such person shall then inhabit, in which case two justices of the peace are hereby empowered to remove the person or persons, in the same manner, and subject to the same appeal, and with the same powers, as might have been done before the passing of this Act with respect to persons likely to become chargeable.

So much of recited Acts as enables justices to remove persons likely to be chargeable to parishes, repealed; and no persons to be removed till they become chargeable.

II. 'And whereas poor persons are often removed or passed to the place 'of their settlement during the time of their sickness, to the great danger of 'their lives;' for remedy thereof, Be it further enacted by the authority aforesaid, That in case any poor person shall from henceforth be brought before (1) any justice or justices of the peace, for the purpose of being removed from the place where he or she is inhabiting or sojourning, by virtue of any order of removal, or of being passed by virtue of any vagrant pass, and it shall appear to the said justice or justices that such poor person is unable to travel, by reason of sickness or other infirmity, or that it would be dangerous for him or her so to do, the justice or justices making such order of removal, or granting such vagrant pass, are hereby required and authorized to suspend the execution of the same until they are satisfied that it may safely be executed, without danger to any person who is the subject thereof; which suspension of, and subsequent permission to execute the same, shall be respectively indorsed on the said order of removal, or vagrant pass, and signed by such justice or justices (2); and no act done by any such poor person continuing to reside in any parish, township, or place, under the suspension of any such order, shall be effectual, either in the whole or in part, for the purpose of giving him or her a settlement in

Justices may suspend the removal of sick persons.

Charges incurred by such suspension to be paid by the

(1) The order may be suspended although the pauper, by reason of infirmity, is not *brought before* the justices. The true construction is, if the case of any poor person shall be brought before them; Everdon, 9 E. 101.

(2) Or any others; 49 Geo. III. c. 124.

No. XVI. 35 Geo. III. c. 101.

the same; and the charges proved upon oath to have been incurred by such suspension of any order of removal may, by the said justices, be directed to be paid by the churchwardens and overseers of the parish or place to which such poor person is ordered to be removed, in case any removal shall take place, or in case of the death of such poor person before the execution of such order (3); and if the churchwardens or overseers of the parish, township, or place to which the order of removal shall be made, or any or either of them, shall, upon the removal or death of such poor person ordered to be removed, refuse or neglect to pay the said charges within three days (4) after demand thereof, and shall not within the same time give notice of appeal as is hereinafter mentioned, it shall and may be lawful for one justice of the peace, by warrant under his hand and seal, to cause the money mentioned in such order to be levied by distress and sale of the goods and chattels of the person or persons so refusing or neglecting payment of the same, and also such costs attending the same, not exceeding forty shillings, as such justice shall direct; and if the parish, township, or place to which the removal of such poor person is made, or was ordered to be made, before the death of such person as aforesaid, be without the jurisdiction of the justice of the peace issuing the warrant, then such warrant shall be transmitted to any justice of the peace having jurisdiction within such parish, township, or place as aforesaid, who, upon receipt thereof, is hereby authorized and required (5) to indorse the same for execution: Provided nevertheless, that if the sum so ordered to be paid on account of such costs and charges exceed the sum of twenty pounds, the party or parties aggrieved by such order may appeal to the next general quarter sessions against the same, as they may do against an order for the removal of poor persons by any law now in being; and if the court of quarter sessions shall be of opinion that the sum so awarded be more than of right ought to have been directed to be paid, such court may and is hereby directed to strike out the sum contained in the said order, and insert the sum which in the judgment of such court ought to be paid; and in every such case the said court of quarter sessions shall direct that the said order so amended shall be carried into execution by the said justices by whom the order was originally made, or either of them, or in case of the death of either of them, by such other justice or justices as the said court shall direct: Provided that nothing in this Act contained shall extend to alter or abridge the power of justices of the peace to pass or punish vagrants in the manner and under the circumstances set forth in an Act passed in the seventeenth year of the reign of his late Majesty King *George* the Second, intituled, *An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction* (except so far as regards the power of suspending the vagrant pass, in the manner and for the causes before mentioned).

officers of the parish to which they are ordered to be removed, which may be levied with costs.

If costs exceed 20*l.* appeal may be made to the quarter sessions.

This Act not to alter the power of justices to pass or punish vagrants by 17 Geo. 2. c. 5. except as to suspension.

III. And be it further enacted by the authority aforesaid, That no person coming into any parish, township, or place, shall, from and after the passing of this Act, be enabled to gain any settlement therein by delivery and publication of any notice in writing.

No person to gain a settlement by delivery and publication of a written notice;

IV. Provided always, and be it further enacted by the authority aforesaid, That from and after the passing of this Act, no person or persons whatsoever, who shall come into any parish, township or place, shall gain a settlement in such parish, township or place, by being charged with and paying his, her, or their share, towards the public taxes or levies of the said parish, township or place, for and on account, or in respect of any tenement or tenements, not being of the yearly value of ten pounds.

nor by paying taxes for a tenement of less than 10*l.* yearly value.

---

(3) The person on account of whose illness the removal was suspended, having died, the rest of the family were removed under the original order, and a third order made for payment of expenses; no order having been made to take off such suspension: *semble* that the third order is good. Ruled, that the sessions have no power to quash it; Englefield, 13 E. 317.

(4) The right of appeal given infrà is not confined to three days: that time is only material as preventing the inconvenience of a distress; Bradford, 9 E. 97.

(5) This is merely ministerial, and compulsory. The magistrate indorsing has nothing to do with the propriety of the original warrants; R. v. Kynaston, 1 E. 117.

No. XVI.
35 Geo. III. c. 101.

V. Provided also, and be it further enacted, That every person who shall have been convicted of larceny, or any other felony, or who by the laws now in being shall be deemed a rogue, vagabond, idle or disorderly person, or who shall appear to any two or more justices of the peace of the division wherein such person shall reside, upon the oath of one or more credible witness or witnesses, to be a person of evil fame, or a reputed thief, such person not being able to give a satisfactory account of himself or herself, or of his or her way of living, shall be considered as a person actually chargeable within the true intent and meaning of this Act, to the parish in which such person shall reside, and shall be liable to be removed to the parish of his or her last legal settlement by the order of the said justices of the peace, whereof one to be of the quorum, of the division where any such person shall reside.

Rogues, &c. to be considered as chargeable, and may be removed.

VI. Provided also, and be it hereby enacted by the authority aforesaid, That every unmarried (1) woman with child shall be deemed and taken to be a person actually chargeable (2), within the true intent and meaning of this Act (3), to the parish, township, or place, in which she shall inhabit, and may be removed as such to the place of her last legal settlement; and in case any order of removal obtained for such purpose shall be suspended for any of the reasons before mentioned, and during such suspension the said woman shall be delivered of any child, which by the laws of this kingdom shall be a bastard, every such bastard child shall be deemed and taken to be settled in the same parish, township, or place, in which was the legal settlement of the mother at the time of her delivery: Provided nevertheless, that all Act or Acts heretofore made touching bastard children, or concerning the mothers or reputed fathers of such children, shall be, and remain in full force and effect after the passing of this Act, as well in cases where by this Act the place of settlement of such bastard children is directed to be the same as that of the mothers of such children, as in cases where the place of settlement of such bastard children remains the same as it did before the passing of this Act.

Unmarried women with child to be deemed chargeable.

Bastards to be deemed of the mother's parish.

Former Acts touching bastards, &c. to remain in force.

[No. XVII.] 36 George III. c. 10.—An Act for the better Relief of the Poor, within the several Hundreds, Towns, and Districts, in that Part of *Great Britain* called *England*, incorporated by divers Acts of Parliament for the Purpose of the better Maintenance and Employment of the Poor; and for enlarging the Powers of the Guardians of the Poor, within the said several Hundreds, Towns, and Districts, as to the Assessments to be made upon the several Parishes, Hamlets, and Places, within their respective Hundreds, Towns, and Districts, for the Support and Maintenance of the Poor.—[18*th December* 1795.]

No. XVII.
36 Geo. III. c. 10.

'WHEREAS several Acts of Parliament have of late years been made and passed, for the better relief and employment of the poor in particular incorporated hundreds, towns, and districts within that part

(1) A married woman whose husband is absent, under such circumstances as would render the child a bastard, is within this provision; Tibbenham, 9 E. 388.

(2) This does not authorize the removal of a servant against the consent of the master; Alveley, 3 E. 563. It is not sufficient to shew that the woman is with child and unmarried, without adjudging that she is chargeable; Holm, East-Weaver, Quarter, 11 E. 381. A complaint and adjudication, that ——single woman," is, by being pregnant, deemed to have become chargeable," is sufficient; Diddlesbury, 9 E. 398.

(3) The provision extends not only to the general exemption given by this Act, but also to the special exemption which previously existed, of persons having a certificate; Great Yarmouth, 8 T. R. 68: and it would seem by necessary consequence to include certified members of friendly societies under stat. 33 Geo. III. c. 54. sec. 24. Vi. ante p. 239, N.

No. XVII. 36 Geo. III. c. 10.

'of *Great Britain* called *England*: And whereas certain persons, described 'and appointed by the said several Acts, are thereby empowered to assess 'the several parishes, hamlets, and places chargeable to the poor's rate 'within the said several hundreds, towns, or districts respectively, in such 'sums of money as they shall think necessary, for defraying the expences 'of supporting and maintaining the poor within their respective hundreds, 'towns, and districts, and for other the purposes of the said Acts; but 'such sums of money, for which such assessments are to be made, are by 'the said several Acts of Parliament limited so as that they may not ex-'ceed a certain sum in any one year, which sum was calculated upon an 'average of the amount of the poor's rates in each parish respectively, for 'a certain number of years previous to the passing of the respective incor-'porating Acts: And whereas, by reason of the late very great increase of 'the price of corn, and other necessary articles of life, the amount of the 'rates and assessments, so limited by the said several Acts of Parliament, 'are become insufficient for the necessary relief and maintenance of the 'poor, who have also of late greatly increased in number: And whereas 'in many incorporated hundreds, towns, and districts, the expence of 'maintaining the poor, since the first day of *January* one thousand seven 'hundred and ninety-five, has exceeded the whole amount of the rates which 'could be raised in the present year within those hundreds, towns, and 'districts, under their respective incorporating Acts; whereby considerable 'debts have on that account been incurred by the guardians of the poor of 'those hundreds, towns, and districts: And it is therefore become neces-'sary and expedient that the powers of the several persons to whom is 'committed, by the said several Acts of Parliament, the duty of appoint-'ing the sums to be assessed on the several parishes, hamlets, and places, 'within their respective hundreds, towns, and districts, should be en-'larged:' May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the directors and acting guardians of the poor within any hundred, town, or district, in that part of *Great Britain* called *England*, incorporated by any Act of Parliament for the relief or maintenance and employment of the poor, or for any other persons, by whatsoever name they are called or described, to whom is given, by any such incorporating Act, the power of appointing the sum or sums to be assessed on the several parishes, hamlets, or places within their respective hundreds, towns, or districts, for the maintenance of the poor, and other the purposes of such Act, at any of their annual, quarterly, or other general meetings, whenever the average price of wheat at the corn market in *Mark Lane, London*, for the quarter immediately preceding such annual, quarterly, or other general meeting, shall have exceeded the average price of wheat at the same market during those years from which the average amount of the poor's rates was taken upon the passing of the several incorporating Acts respectively, to assess the several parishes, hamlets, and places within their respective hundreds, towns, or districts, which now are or usually have been charged to the poor's rate, in such respective sums of money as the said directors and acting guardians, of such other persons as aforesaid, shall think necessary for defraying the expences attending the support and maintenance of the poor for the current quarter, and for paying the interest of the money borrowed and due by virtue of the said respective Acts, and of any debts which may have been incurred since the first day of *January* one thousand seven hundred and ninety-five, in the maintenance of the poor, and for other the purposes of the said Acts, notwithstanding such sums of money so to be assessed should exceed the amount of the assessments limited by such respective Acts of Parliament to be assessed on the respective parishes, hamlets, and places within such incorporated hundreds, towns, or districts, in any one year: Provided always, that the sums to be assessed, and the assessments to be made by virtue of this Act, in each respective incorporated hundred, town, or district, shall be assessed, made, collected, and

Directors and acting guardians of the poor, incorporated by Acts of Parliament, may, in certain cases, make such assessments as may be necessary for the support and maintenance of the poor, &c. notwithstanding they may exceed the assessments limited by the respective Acts.

Assessments by virtue of this Act to be

paid in the same manner, and subject to the same restrictions, regulations, limitations, and powers of appeal, and with the like powers and remedies for compelling payment thereof, as the sums to be assessed, and the assessments to be made, by virtue of the several incorporating Acts, are by those respective Acts directed to be assessed, collected, and made within the several hundreds, towns, and districts respectively incorporated by those Acts: Provided also, that the sums to be assessed by virtue of this Act, upon any parish, hamlet, or place, shall be in the same rates and proportions as the assessments which have hitherto been made and levied by virtue of the said Act or Acts incorporating the several hundreds, towns, or districts in which such parishes, hamlets, or places are respectively situated: And provided also, that, from and after the first day of *January* one thousand seven hundred and ninety-eight, the sums to be assessed, by virtue of this Act, on any parish, hamlet, or place, shall never exceed, in any one year, the amount of double the sum at present raised by virtue of any incorporating Act now existing.

No. XVII. 36 Geo. III. c. 10.

made, &c. as those under the incorporating Acts.

From Jan. 1, 1798, no assessment to exceed double the sums at present raised under the incorporating Acts.

[No. XVIII.] 36 George III. c. 23.—An Act to amend so much of an Act, made in the ninth Year of the Reign of King *George* the First, intituled, *An Act for amending the Laws relating to the Settlement, Employment, and Relief of the Poor*, as prevents the distributing occasional Relief to Poor Persons in their own Houses, under certain Circumstances and in certain Cases.—[24th *December* 1795.]

No. XVIII. 36 Geo. III. c. 23.

9 G. 1. c. 7.

'WHEREAS by an Act passed in the ninth year of the reign of his late Majesty King *George* the First, intituled, *An Act for amending the Laws relating to the Settlement, Employment, and Relief of the Poor*, it is (among other things) enacted, That it shall and may be lawful for the churchwardens and overseers of the poor, in any parish, town, township, or place, with the consent of the major part of the parishioners or inhabitants thereof in vestry or other parish or public meeting for that purpose assembled, or of so many of them as shall be so assembled, upon usual notice thereof first given, to purchase or hire any house or houses in the same parish, township, or place, and to contract with any person or persons for the lodging, keeping, maintaining, and employing, any or all such poor, in their respective parishes, townships, or places, as shall desire to receive relief or collection from the same parish, and there to keep, maintain, and employ, all such persons, and take the benefit of the work, labour, and service, of any such poor person or persons, who shall be kept and maintained in any such house or houses, for the maintenance and relief of such poor person or persons who shall be there kept and maintained; and in case any poor person or persons of any parish, town, township, or place, when such house or houses shall be so purchased or hired, shall refuse to be lodged, kept, or maintained, in such house or houses, such poor person or persons so refusing shall be put out of the book or books where the names of the persons who ought to receive collection in the said parish, town, township, or place are to be registered, and shall not be entitled to ask or receive collection or relief from the churchwardens and overseers of the same parish, town, or township: And whereas the said provision contained in the Act above-mentioned has been found to have been and to be inconvenient and oppressive, inasmuch as it often prevents an industrious poor person from receiving such occasional relief as is best suited to the peculiar case of such poor person, and inasmuch as in certain cases it holds out conditions of relief injurious to the comfort and domestic situation and happiness of such poor persons:' Be it therefore enacted by the King's most excellent Majesty, by and with the consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act,

No. XVIII. 36 Geo. III. c. 23.

it shall and may be lawful for the overseer or overseers of any parish, town, township, or place, with the approbation of the parishioners, or the majority of them, in vestry or other usual place of meeting assembled, or with the approbation in writing of any of his Majesty's justice or justices of the peace usually acting in and for the respective district, to distribute and pay collection and relief to any industrious poor person or persons, at his, her, or their homes, house or houses, under certain circumstances of temporary illness or distress, and in certain cases respecting such poor person, or his, her, or their family, or respecting the situation, health, or condition of any poorhouse or poorhouses, in any parish, town, township, or place, wherein a house or houses shall have been or shall be so hired, built, or purchased, and a contract made with any person or persons for lodging, keeping, maintaining, and employing, any or all poor persons who shall desire to receive collection or relief, although such poor person or persons shall refuse to be lodged, kept, and maintained, within such house or houses; any thing in the said Act passed in the ninth year of his Majesty King *George* the First to the contrary notwithstanding.

Overseers, with the approbation of the parishioners or any justice, may relieve poor persons at their own houses.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any his Majesty's justice or justices of the peace for any county, city, town, or place, usually acting in and for the district wherein the same shall be situated, at his, or their just and proper discretion, to direct and order collection and relief to any industrious poor person or persons, and he, she, or they shall be entitled to ask and to receive such relief at his, her, or their homes, house or houses, in any parish, town, township, or place, notwithstanding any contract shall have been or shall be made with any person or persons for lodging, keeping, maintaining, and employing any and all poor persons in a house or houses for such purpose hired or purchased, and the churchwarden or churchwardens, overseer or overseers, for such parish, town, township, or place, are required and directed to obey and perform such order for relief given by any justice or justices as aforesaid.

Justices may order relief to poor persons at their own homes.

III. Provided always, That the special cause, as hereinbefore mentioned, of ordering and directing collection or relief to any poor person or persons, at his, her, or their homes, house or houses, be assigned and written on each order for relief given and directed by any justice or justices as aforesaid: and provided always that such order be given for, and do remain in force for a time not to exceed one month from the date of such order: Provided also, that it shall and may be lawful for any two justices as aforesaid to make any further order for the same or like purpose, for any further time not exceeding one month from the date of such order, and so on from time to time, as the occasion shall require, such justice or justices first administering an oath as to the need and cause of such relief in each of the above cases, and thereon summoning the overseer or overseers of the poor of the parish, town, township, or place, to be charged with such relief, to shew cause why such poor person or persons should not receive such relief in manner as by law provided in cases where no contract for lodging, keeping, and maintaining the poor, shall as aforesaid have been made.

Cause of ordering such relief to be assigned on the order of the justice, &c.

IV. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed, deemed, or taken to extend, to authorize, empower, or enable any overseer or overseers, or any justice or justices of the peace as aforesaid, to direct or order to distribute and pay, or to be distributed and paid, any collection or relief to any poor person or persons, at his, her, or their homes, house or houses, as aforesaid, in any parish, town, township, or place, in or for which any house of industry, or other place for the reception and provision of the poor thereof, hath been already erected or provided, or shall hereafter be erected or provided, by and under the authority or directions of an Act passed in the twenty-second year of the reign of his present Majesty, intituled, *An Act for the better Relief and Employment of the Poor*, or under the directions of any special Act of Parliament or law already passed for such parish, town, township, or place, and now in force for that purpose; but that in every such case all such last-mentioned poor person or persons

Not to extend to places where houses of industry are provided under 22 G. 3. c. 83. or under any special Act.

shall be provided for and relieved in such and the same manner as before the making and passing of this Act.

No. XVIII. 36 Geo. III. c. 23. Public Act.

V. And be it further enacted by the authority aforesaid, That this Act shall be deemed and taken to be a public Act; and shall be judicially taken notice of as such, by all judges, justices, and other persons whomsoever, without specially pleading the same.

[No. XIX.] 41 George III. c. 9.—An Act to explain and amend an Act, made in the twenty-second Year of the Reign of his present Majesty, intituled, *An Act for the better Relief and Employment of the Poor.*—[8*th December* 1800.]

No. XIX. 41 Geo. III. c. 9. 22 G. 3. c. 83. § 7. recited.

'WHEREAS by an Act made in the twenty-second year of the reign of his present Majesty, intituled, *An Act for the better Relief and Employment of the Poor*, the justices of the peace are empowered to appoint one guardian, and no more, for each parish desirous of being regulated according to the provisions of the said Act: And whereas in many parishes, by reason of their extent and population, one such guardian is not found to be sufficient for the performance of the duties thereby required:' Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That if in any parish which shall have adopted the provisions of the said Act, either alone or in conjunction with any other parish, it shall be the opinion of two thirds in number and value of the owners or occupiers of lands, tenements, and hereditaments, qualified as by the said Act is required, who shall be present at a publick meeting to be called for that purpose, pursuant to notice thereof given in the church or chapel of the said parish, on the *Sunday* preceding, that one guardian is insufficient for carrying into due execution the provisions of the said Act, and the same shall be certified by two or more of the persons present at such meeting, in writing under their hands, to two or more justices of the peace acting for the district or division within which such parish shall be situate, together with the names of four or more fit and proper persons qualified for the office of guardian as by the said Act is required, it shall and may be lawful for the said justices, by writing under their hands, according to the form prescribed in the schedule to the said Act, to appoint such and so many of the said persons to be guardians of the poor within such parish, as they in their discretion shall think fit, and as shall be necessary for duly carrying the purposes of the said Act into execution.

Two justices of the district may appoint additional guardians of the poor, under recited Act, on its being certified, in manner herein directed, that one is insufficient.

II. 'And whereas by the said Act the churchwardens and overseers of the poor are directed to pay to the guardians of the poor in parishes not united, and to the treasurer in parishes united as therein mentioned, such sums as may be necessary for the support of the poor in manner therein mentioned, and the guardians are also directed to pay to the treasurer of the poorhouse the sums required for the maintenance and support thereof, which in default of payment may be levied by warrant of distress and sale of the goods of such guardians, under the hand of a justice of the peace; but no provision is made to enforce the payment of the monies directed to be paid by the churchwardens and overseers aforesaid;' Be it further enacted, That it shall and may be lawful for the guardians of the poor present at a monthly meeting held according to the directions of the said Act, with the approbation of the visitor, who shall sign the same, to make an order on the churchwardens or overseers, or collector of the poor's rates, some or one of them, for so much money as shall be necessary for the purposes of the said Act; and if the churchwardens or overseers, or person or persons to whom the order shall be directed, shall neglect or refuse to pay the same to the treasurer or guardian to whom the same is made payable, within seven days after it shall be demanded, it shall be lawful for any justice of the peace within the division

Guardians of the poor at monthly meetings, with approbation of the visitor, may make an order on the churchwardens or overseers, &c. for such money as shall be necessary for the purposes of recited Act. [*See* § 8. *of that Act.*]

In default of payment, justices may levy it by distress.

No. XIX. 41 Geo. III. c. 9.

or district, upon proof made on oath of such default, to issue his warrant for levying the said sums by distress and sale of the goods and chattels of the said churchwardens and overseers, or other person or persons, in like manner as by the said Act is provided in case of non-payment by the guardians of the poor.

Two justices may, on application, appoint a treasurer for a single parish, with a salary not exceeding 10*l.*

III. 'And whereas by the said Act no provision is made for the appointment of a treasurer, in the case of a single parish adopting the regulations of the said Act, although from its population it may be found necessary and convenient;' Be it further enacted, That it shall and may be lawful for any two justices for the district or division within which any such parish shall be situate, to whom the expediency of such appointment shall be made appear, by application from two thirds in number and value of the owners and occupiers of lands, tenements, and hereditaments, qualified as by the said Act is directed, to appoint a treasurer for the poor-house of such parish, with a salary not exceeding ten pounds, according to the form prescribed in the schedule to the said Act, in the case of united parishes.

[*See* 22 G. 3. c. 83. § 12.]

"Persons aggrieved may appeal to the next quarter-sessions [*as under* § 46 "*of* 22 *Geo.* 3. *c.* 83.] § 4. Public Act. § 5."

[No. XX.] 41 George III. c. 23.—An Act for the better Collection of Rates made for the Relief of the Poor.—[18*th April* 1801.]

No. XX. 41 Geo. III. c. 23.

17 G. 2. c. 38. § 6.

'WHEREAS by an Act of Parliament, made and passed in the seventeenth year of the reign of his late Majesty King *George* the Second, intituled, *An Act for remedying some Defects in the Act made in the forty-third Year of the Reign of Queen* Elizabeth, intituled, *An Act for the Relief of the Poor;* power was given to justices of the peace, upon appeals from rates and assessments, where they should see just cause to give relief, to amend the same in such manner only as should be necessary for giving such relief, without altering such rates or assessments with respect to other persons mentioned in the same: And whereas the quashing or setting aside of rates or assessments made for the relief of the poor, is attended with great inconvenience; and it hath happened, in consequence of the rate or assessment being quashed or set aside, or of notice of appeal against the whole rate being given, the churchwardens and overseers of the poor have not had any money in hand for the relief and maintenance of the poor: For remedy whereof, may it please your Majesty that it may be enacted;' and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That, from and after the passing of this Act, upon all appeals from any rate or assessment made for the relief of the poor of any parish, township, vill, or place, the court of general or quarter-sessions of the peace shall, and such court is hereby authorized and required (in all cases where they shall see just cause to give relief) to amend such rate or assessment, either by inserting therein or striking out the name or names of any person or persons, or by altering the sum or sums therein charged on any person or persons, or in any other manner which the said court shall think necessary for giving such relief, and without quashing or wholly setting aside such rate or assessment: Provided always, That if the said court shall be of opinion that it is necessary, for the purpose of giving relief to the person or persons appealing, that the rate or assessment should be wholly quashed, then the said court may quash the same (1); but nevertheless, all and every the sum and sums of money in

On appeal from any poor rate, the quarter-session may amend it without quashing it; or if necessary to grant relief may quash the rate; but the sum assessed shall notwithstanding be levied and applied in satisfaction of the next effective rate.

(1) In Rex *v.* Ambleside, 16 E. 380, the sessions quashed the rate for not including personal estate; and the Court of King's Bench quashed the order of sessions, on the ground that they ought to have amended the rate; not adverting to the discretion which is here expressly given, or entering into any enquiry as to whether such discretion was or

and by such rate or assessment charged on any person or persons, shall and may be levied and recovered by such ways and means, and in such and the same manner as if no appeal had been made against such rate or assessment; and all and every the sum and sums of money which any person or persons charged in such rate or assessment shall pay, or which shall be levied upon or recovered from him, her, or them, shall be deemed and taken as payment, on account of the next effective rate or rates, assessment or assessments, which shall be made for the relief of the poor of the same parish, township, vill, or place.

Notice of appeal shall not prevent distress being made for the recovery of the rate; but no greater sum shall be proceeded for than that assessed in the last effective rate.

II. And be it further enacted, That, from and after the passing of this Act, all and every the sum and sums of money at which any person or persons is or are or shall be rated or assessed in any rate or assessment made for the relief of the poor of any parish, township, vill, or place, shall and may be levied and recovered by distress, and all other lawful ways and means, notwithstanding the person or persons so rated or assessed, or any other person or persons, shall have given notice of appeal from or against such rate or assessment, for any cause whatsoever: Provided always, that if any person, rated or assessed in any rate or assessment made for the relief of the poor, shall give such notice of appeal as hereinafter mentioned* to the churchwardens and overseers of the poor of any parish, township, vill, or place, or any two of them, then, from and after the giving of such notice, and until the appeal shall have been heard and determined, no proceedings shall be commenced or carried on to recover any greater sum or sums of money from such person or persons, than the sum or sums at which he, she, or they, or any occupier of the same premises, shall have been rated or assessed in the last effective rate which shall have been collected in such parish, township, vill, or place.

* [§ 4.]

Quarter sessions having ordered a rate to be quashed, may order the sum charged on any person not to be paid, and stop proceedings for the recovery thereof, &c.

III. And be it further enacted, That in case the said court of general or quarter sessions of the peace shall upon appeal order any rate or assessment for the relief of the poor to be quashed, it shall be lawful for the said court to order that any sum or sums of money, in and by such rate or assessment charged on any person or persons, or any part of any such sum or sums, not to be paid, and then and in every such case no proceedings shall, after making such order, be commenced; or if any proceedings have been previously commenced, such proceedings shall be no further prosecuted or carried on for the purpose of levying or enforcing the payment of any sum or sums which shall be so ordered by the said court not to be paid as aforesaid: Provided always, that no justice of the peace, constable, or other officer of the peace or other person shall be deemed a trespasser, or liable to any action, for any warrant, order, act, or thing, which such justice, constable, or other officer or person shall have granted, made, executed, or done, for the purpose of levying or enforcing the payment of any such sum or sums of money before he shall have had notice in writing of the order for the non-payment of such sum or sums of money, which the said court is hereby authorized to make as aforesaid.

Justices, &c. shall not be liable as trespassers for previous proceedings.

Notices of appeal against poor rates or accounts of churchwardens, &c. shall be in writing, &c. and shall specify the grounds of appeal.

IV. And be it further enacted, That, from and after the passing of this Act, all notices of appeal from or against any rate or assessment made for the relief of the poor, or from or against the account of the churchwardens and overseers of the poor of any parish, township, vill, or place, shall be in writing, and shall be signed by the person or persons giving the same, or his, her, or their attorney, on his, her, or their behalf; and such notices of appeal shall be delivered to or left at the places of abode of the churchwardens and overseers of the poor of the parish, township, vill, or place, or any two of them, and the particular causes or grounds of appeal shall be stated and specified in such notice; and upon the hearing of any appeal from or against any such rate or assessment, or account, the court of general or quarter sessions to which such appeal shall be made, shall not examine or enquire into any other cause or ground of appeal than such as are or is stated and specified in the notice of appeal.

---

was not properly exercised. In such cases an amendment may often be very objectionable; as for instance, in imposing a rate upon one trader to whom notice had been given, which could not be extended to others equally liable, who had not received such notice, and which would of course operate as a considerable injustice upon the first.

No. XX. 41 Geo. III. c. 23.

V. Provided nevertheless, and be it further enacted, That with the consent of the overseers, signified by them or their attorney in open court, and with the consent of any other person interested therein, the said court of sessions may proceed to hear and decide upon such appeal, although no notice thereof shall have been given in writing; and also that with the like consent such court may hear and decide upon grounds of appeal, not stated or mis-stated in such written notice, where any notice shall have been given in writing.

Appeals may be decided if the parties consent, although such notice be not given.

VI. And be it further enacted, That from and after the passing of this Act, if any person or persons shall appeal against any rate or assessment made for the relief of the poor, because any other person or persons is or are rated or assessed in such rate or assessment, or is or are omitted to be rated or assessed therein, or because any other person or persons is or are rated or assessed in any such rate or assessment at any greater or less sum or sums of money than the sum or sums at which he, she, or they ought to be rated or assessed therein, or for any other cause that may require any alteration to be made in such rate or assessment with respect to any other person or persons, then and in every such case the person or persons (2) so appealing for the causes aforesaid, or any of them, shall give such notice of appeal, in writing as hereinbefore mentioned, not only to the churchwardens or overseers of the poor, or any two or more of them, but also to the other person or persons so interested (3) or concerned in the event of such appeal as aforesaid; and such other person or persons shall, if he, she, or they shall so desire, be heard upon the said appeal; and it shall be lawful for the court of general or quarter sessions of the peace, on the hearing of such appeal, to order the name or names of such other person or persons to be inserted in such rate or assessment, and him, her, or them to be therein rated and assessed at any sum or sums of money; or to order the name or names of such other person or persons to be struck out of such rate or assessment, or the sum or sums at which he, she, or they is or are rated or assessed therein, to be altered, in such manner as the said court shall think right; and the proper officer of the said court shall forthwith add to or alter the rate or assessment accordingly.

Person appealing against any rate, shall give notice, not only to the churchwardens, &c. but also to the persons interested, &c.

The rate shall be recovered as altered by the quarter sessions.

VII. And be it further enacted, That if upon the hearing of any appeal from or against any rate or assessment, the said court shall order the name or names of any person or persons to be inserted therein, and him, her, or them to be rated or assessed at any sum or sums of money, or shall order the sum or sums at which any person or persons is or are therein rated or assessed to be raised or increased, then and in such case all and every the sum and sums of money, at or to which such person or persons shall be so ordered to be rated or assessed, or to be raised or increased, or so much thereof as shall not have been already paid, shall and may be recovered in such and the same manner, and by such and the same means, as if he, she, or they had been originally named in such rate or assessment, and rated or assessed therein at such sum or sums of money.

In case in the rate the name of any person shall be struck out, or any sum lowered, the quarter sessions shall order the money, which ought not to have been recovered to be repaid, with

VIII. And be it enacted, That if upon the hearing of any appeal from any rate or assessment for the relief of the poor, the court of general or quarter sessions of the peace shall order the name or names of any person or persons to be struck out of such rate or assessment, or the sum or sums rated or assessed on any person or persons to be decreased or lowered; and if it shall be made appear to the said court, that such person or persons hath or have, previously to the hearing of such appeal, paid any sum or sums of money, in consequence of such rate or assessment, which he, she, or they ought not to have been paid, or charged with, then and in every such case the said court shall order all and every such sum and sums of money to be repaid and returned, by the said churchwardens and overseers of the poor, to the person or persons having paid the same respectively, together with all reasonable costs, charges, and expences, occasioned by

(2) Several parties having a joint grievance may join in one notice; Justices of Sussex, 15 E. 206.

(3) Where a corporation are seised in fee of lands, stocked with the cattle of the burgesses, the notice may be given to the corporation; Aberavon, 5 E. 453.

No. XX. 41 Geo. III. c. 23.

such person or persons having paid or being required to pay the same; and all and every the sum and sums of money so ordered to be repaid or returned by the churchwardens and overseers of the poor, or any of them, shall and may, together with all such costs, charges, and expences as aforesaid, be levied and recovered from them, or any of them, by distress and all such other ways and means as the money charged, rated, or assessed on any person, by any rate or assessment made for the relief of the poor, can or may be by law levied or recovered.

costs, by the churchwardens, &c.

IX. 'And whereas it may have happened that the churchwardens and 'overseers of the poor of some parishes, townships, vills, or places, have 'not been able to collect a sum of money sufficient for the relief and 'maintenance of the poor within or belonging to the same, but they, or 'the guardian or guardians of the poor of such parishes, townships, vills, or 'places, have heretofore actually advanced and expended considerable 'sums for that purpose;' Be it therefore enacted, That it shall be lawful for the churchwardens and overseers of the poor of any parish, township, vill, or place, or any of them, out of any money which they or any of them shall collect or receive by virtue or in pursuance of any rate or assessment made for the relief of the poor of such parish, township, vill, or place, to repay and reimburse the preceding churchwardens and overseers, guardian or guardians of the poor of such parish, township, vill, or place, all such sums of money as they or any of them have heretofore advanced or expended for the relief or maintenance of the poor within or belonging to such parish, township, vill, or place, during the time that no rate or assessment for the relief of the poor thereof has been made, or during the time that any appeal has been depending which affected the whole of such rate or assessment, or upon the hearing of which, the same might be wholly quashed or set aside; and in case the churchwardens and overseers of the poor of any parish, township, vill, or place, shall not pay to the preceding churchwardens and overseers, guardian or guardians, all such sums of money as they or any of them have so advanced and expended, for the relief and maintenance of the poor as aforesaid, within fourteen days next after demand in writing made for that purpose, it shall be lawful for such preceding churchwardens and overseers, guardian or guardians of the poor, or any of them, to apply to the then next court of general or quarter sessions of the peace for the county, riding, division, town, corporation, or franchise, within which such parish, township, vill, or place is situate, giving due notice in writing of such application to the then churchwardens and overseers of the poor of such parish, township, vill, or place, or any two or more of them; and the said court of general or quarter sessions of the peace shall enquire into the matter of the said application, and examine the parties and their witnesses upon oath, and shall make an order upon the then churchwardens and overseers of the poor of such parish, township, vill, or place, or any of them, out of the money collected or received, or to be collected or received by them or any of them, under or in pursuance of any rate or assessment made for the relief of the poor, to pay such sum or sums of money to the preceding churchwardens and overseers, guardian or guardians of the poor of the same, or any of them, as the said court shall think fit; and all and every the sum and sums of money so ordered by the said court to be paid, shall and may be levied and recovered by distress and all such other ways and means as the money charged, rated, or assessed on any person by any rate or assessment made for the relief of the poor, can or may be by law levied or recovered.

Succeeding churchwardens and overseers empowered to repay money expended by some preceding churchwardens, &c. for the maintenance of the poor, while there was no rate; or during an appeal; and in default of such repayment, the quarter sessions on application being made to them, shall make an order for payment

---

No. XXI. 42 Geo. III. c. 74.

[No. XXI.] 42 George III. c. 74.—An Act to amend an Act, made in the twenty-second Year of the Reign of his present Majesty, for the better Relief and Employment of the Poor, so far as relates to the Payment of the Debts incurred for building any Poorhouse.—[*22d June*, 1802.]

'WHEREAS by an Act, made in the twenty-second year of the reign of 'his present Majesty, intituled, *An Act for the better Relief and Em-*

22 Geo. 3. c. 83. § 20.

No. XXI. 42 Geo. III. c. 74.

'*ployment of the Poor*, it was, among other things, enacted, that in case 'any money should be borrowed, under the powers of the said Act, for 'the building any poorhouse or workhouse, or purchasing any land neces- 'sary to be used for that purpose, the assessments for the relief of the poor 'should continue at the same rate they were when such poorhouse or 'workhouse was first established, until the debts so contracted, and the 'interest thereof, should be fully discharged: And whereas the said provi- 'sion has been found highly burthensome and oppressive to such parishes 'as have adopted the provisions of the said Act, from the necessity there 'has been, on account of the late high price of provisions, to impose heavy 'rates for the relief of the poor during the last two years;' Be it thereof enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That the guardians of the poor of any parish, who have erected any poorhouse or workhouse under the powers of the said recited Act, shall, and they are hereby authorized and empowered, with the consent of the several persons to whom the same shall be due and payable, yearly and every year to pay off and discharge any part of the money borrowed under the powers of the said recited Act, not being less than one twentieth part thereof, besides the interest which may be payable on the sum remaining undischarged: and in case such sum so to be paid off shall not in any one year be sufficient to discharge any one of the notes for fifty pounds, issued pursuant to the directions of the said Act for securing the money borrowed under the authority thereof, the same shall, from time to time, remain in the hands of the overseer of the poor of such parish, until it amounts to a sufficient sum to pay off and discharge any of the said notes; any thing contained in the said recited Act to the contrary hereof in anywise notwithstanding.

How guardians of the poor having erected workhouses under recited Act, may pay off the money borrowed.

Money shall remain in overseer's hands till it amounts to 50*l.*

[No. XXII.] 43 George III. c. 110—An Act to explain and amend an Act, made in the last Session of Parliament, intituled, *An Act to amend an Act, made in the twenty-second Year of the Reign of his present Majesty, for the better Relief and Employment of the Poor, so far as relates to the Payment of the Debts incurred for building any Poorhouse.* —[27*th July* 1803.]

No. XXII. 43 Geo. III. c. 110.

22 G. 3. c. 83. § 20.

42 G. 3. c. 74.

'WHEREAS by an Act, made in the twenty-second year of the reign of 'his present Majesty, intituled, *An Act for the better Relief and Employ- 'ment of the Poor*, it was among other things, enacted, that in case any money 'should be borrowed under the powers of the said Act, for the building 'any poorhouse or workhouse, or purchasing any land necessary to be 'used for that purpose, the assessments for the relief of the poor should 'continue at the same rate they were when such poorhouse or workhouse 'was first established, until the debts so contracted, and the interest 'thereof, should be fully discharged: And whereas by an Act, made in the 'forty-second year of the reign of his present Majesty, intituled, *An Act 'to amend an Act, made in the twenty-second Year of the Reign of his present 'Majesty, for the better Relief and Employment of the Poor, so far as 'relates to the Payment of the Debts incurred for building any Poorhouse*, 'it was enacted, that the guardians of the poor of any parish who had 'erected any poorhouse or workhouse, under the powers of the said 'therein recited Act, should, with the consent of the several persons to 'whom the same should be due and payable, yearly and every year, pay off 'and discharge any part of the money borrowed under the powers of the 'said recited Act of the twenty-second year of the reign of his present 'Majesty, not being less than one-twentieth part thereof, besides the inter- 'est which might be payable on the sum remaining undischarged; and in 'case such sum to be paid off should not in any one year be sufficient to 'discharge any one of the notes for fifty pounds issued pursuant to the 'directions of the said recited Act, for securing the money borrowed under 'the authority thereof, the same should from time to time remain in the

No. XXII. 43 Geo. III. c. 110.

'hands of the overseers of the poor of such parish until it amounted to a 'sufficient sum to pay off and discharge any of the said notes: And whereas 'doubts are entertained whether the said recited Act of the forty-second 'year of his present Majesty's reign has effectually relieved such parishes 'as have adopted the provision in the said Act of the twenty-second year 'of his present Majesty's reign, from the burthensome effects thereof;' Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That so much of the said recited Act of the twenty-second year of his present Majesty's reign, as requires that the assessments for the relief of the poor shall continue at the same rate as they were when any poorhouse or workhouse was first established under the authority of the said recited Act, until the debt contracted, and the interest thereof, should be fully discharged, shall be, and the same is hereby repealed.

So much of § 20. of 22 G. 3. c. 83. as requires assessments to continue unaltered, repealed.

II. And be it enacted, That such assessment shall and may from time to time be diminished to such amount as shall be deemed proper and necessary: Provided always, that the guardians of the poor, for the time being, of every such parish, shall, yearly and every year, pay off or provide for a twentieth part at least of any monies which shall have been borrowed for the purpose aforesaid, under the powers of the said Act of the twenty-second year of his present Majesty's reign, and also shall duly keep down the interest of all monies which shall be so borrowed; any thing in the said recited Acts of the twenty-second and forty-second years of his present Majesty's reign, or either of them, contained to the contrary notwithstanding.

Assessments may be diminished.

Guardians of the poor shall annually pay off one-twentieth of money borrowed under 22 G. 3. c. 83.

[No. XXII. *a.*] 45 George III. c. 54.—An Act to amend an Act, made in the ninth Year of King *George* the First, for amending the Laws relating to the Settlement, Employment, and Relief of the Poor, so far as the same respects Contracts to be entered into for the Maintenance and Employment of the Poor.—[27*th June*, 1805.]

No. XXII. *a.* 45 Geo. III. c. 54.

WHEREAS by an Act of Parliament, passed in the ninth year of the reign of his late Majesty King *George* the First, intituled, *An Act for the Amendment of the Laws relating to the Settlement, Employment, and Relief of the Poor*, churchwardens and overseers of the poor, with the consent of the major part of the parishioners or inhabitants, are authorised, in the manner therein mentioned, to purchase or hire a house or houses, and to contract with any person or persons for the lodging, keeping, maintaining, and employing of the poor, and for taking the benefit of their work, labour, and service, for their better maintenance and relief; and where any parish, town, or township should be found too small, in such case to unite two or more such parishes, towns, or townships, for those purposes, with the consent of the major part of the parishioners or inhabitants, and with the approbation of a justice of the peace: And whereas great inconvenience has arisen from contracts for the lodging, maintenance, and employment of the poor of parishes, having been entered into pursuant to the said Act, with persons not being resident within such parishes respectively, nor of sufficient responsibility to ensure the faithful performance of such contracts: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That, from and after the passing of this Act, no contract to be entered into and made by the churchwardens and overseers of the poor of any parish, with any person or persons, for the lodging, keeping, maintaining, or employing of the poor of such parish or parishes where two or more are united, and for taking the benefit of their work, labour, and service, for their better maintenance and relief, by virtue or in pursuance of the said Act of the ninth year of the reign of King *George* the First, or of any other law or statute whatsoever, shall be valid, binding, or effectual,

9 G. 1. c. 7.

No contract to be valid, unless the person with whom the same is made shall be resident in the parish in which the poor shall be maintained;

No. XXII. *a.* 45 Geo. III. c. 54.

unless the person or persons with whom the same shall be entered into respectively shall during the continuance of such contract be resident within the parish so contracting, or within the particular parish in which such poor shall be lodged and maintained, or who, in the case where two or more parishes are united, shall be so resident as aforesaid in one of such parishes, or in the parish in which such poor shall be lodged and maintained; and unless one or more responsible householders, resident in such particular parish or in one of the said parishes, and to be approved of by the churchwardens or overseers of the poor of such parish or united parishes, as the case may be, shall, at or before the time of signing such contract, by their joint and several bond, with a penalty in not less than the amount of one half of the assessment to the poor's rate of such parish or united parishes for the year next but one preceding the year in which such contract shall be entered into, give security to the said churchwardens and overseers, as the case may be, for the true and faithful observance and performance of such contract on the part and behalf of the person or persons so to be contracted with as aforesaid; nor unless such contract shall be approved of and signed by two justices of the peace acting for such county, city, riding, or district, in which such parish or united parishes, or one of them, shall be situated.

nor unless one or more respectable housekeepers shall be security on behalf of the contractor, for the due performance of the contract.

II. And be it further enacted, That all such contracts as aforesaid, which shall be entered into otherwise than according to the regulations and restrictions hereinbefore contained, shall be absolutely null and void to all intents and purposes; and every such contract which shall be entered into conformably to the directions of this Act, by any churchwardens and overseers of the poor of any parish, with any person or persons who shall remove from and cease to reside in the particular parish or in one of the united parishes wherein such poor shall be lodged and maintained, before the expiration of the whole term or time for which such contract shall be intended to have continuance, shall also from the time of such removal cease and determine: Provided always, that the removal of such person or persons as aforesaid shall not vacate the security entered into by any householder or householders as aforesaid, for the true observance and performance of the contract of such person or persons so having contracted and removing, but that the same shall continue in full force for the indemnification of the churchwardens and overseers of such parish or united parishes against any loss or expence incurred in consequence of such non-performance of such contract and of such removal: Provided always, that nothing in this Act contained shall extend or be construed to extend to any parish, township, or place where the poor are maintained under any special Act of Parliament: Provided also, that nothing in this Act contained shall extend or be construed to extend to make void any contract that shall have been entered into before the passing of this Act with any person or persons for the lodging, keeping, maintaining, or employing of the poor of any parish, by virtue or in pursuance of the said Act of the ninth year of King *George* the First aforesaid; any thing herein contained to the contrary notwithstanding.

Contracts entered into otherwise than according to the regulations herein contained shall be void.

Removal of contractor not to vacate the security.

Not to extend where poor are maintained under a special Act.

Contracts entered into before passing this Act not to be affected.

[No. XXIII.] 49 George III. c. 124.—An Act for altering, amending and explaining certain Acts relative to the Removal of the Poor, and for making Regulations in certain Cases touching the Examination of Paupers as to their Settlement; and for extending to all Parishes certain Rules and Orders in Workhouses, under an Act of the twenty-second Year of his present Majesty, intituled, *An Act for the better Relief and Employment of the Poor*—[20*th June*, 1809.]

No. XXIII. 49 Geo. III. c. 124.

'WHEREAS by an Act passed in the thirty-fifth year of the reign of his present Majesty, intituled, *An Act to prevent the Removal of poor Per-*

35 G. 3. c. 101.

'*sons until they shall become actually chargeable*, it is amongst other things 'enacted, That in case any poor person shall be brought before any justice 'or justices of the peace, for the purpose of being removed from the place 'where he or she is inhabiting or sojourning, by virtue of any order of re- 'moval, or of being passed by virtue of any vagrant pass, and it shall ap- 'pear to the said justice or justices that such poor person is unable to travel 'by reason of sickness or other infirmity, or that it would be dangerous for 'him or her so to do, the justice or justices making such order of removal 'or granting such vagrant pass, are required and authorised to suspend the 'execution of the same until they are satisfied that it may safely be exe- 'cuted without danger to any person who is the subject thereof, and that 'the charges proved upon oath to have been incurred by such suspension 'of any order of removal may by the said justices be directed to be paid 'by the churchwardens and overseers of the parish or place to which such 'poor person is ordered to be removed, in case any removal shall take 'place, or in case of the death of such poor person before the execution 'of such order: And by the same Act it is further enacted, that in case of 'an appeal against any order for the payment of such charges, if the court 'of quarter sessions shall be of opinion that the sum so awarded be more than 'of right ought to have been directed to be paid, such court may and is hereby 'directed to strike out the sum contained in the said order, and insert the sum 'which in the judgment of such court ought to be paid; and in every such case 'the court of quarter sessions shall direct that the said order so amended 'shall be carried into execution by the said justices by whom the order was 'originally made, or either of them, or in case of the death of either of 'them, by such other justice or justices as the court shall direct: And 'whereas it is expedient that the power of putting an end to the suspen- 'sions of any such order of removal or pass, and of executing the several 'or other authorities aforesaid, should not be confined to the order of the 'justice or justices making such order or pass:' May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act, in all cases wherever the execution of any order of removal or of any vagrant pass shall be hereafter suspended by virtue of the said recited Act, it shall be lawful for any other justice or justices of the peace of the county or other jurisdiction within which such removal or pass shall be made, to direct and order that the same shall be executed, and to direct the charges to be incurred as aforesaid to be paid, and to carry into execution any such amended orders as aforesaid, as fully and effectually to all intents and purposes as the said respective powers and authorities can or may be executed by the said justices who shall make any such order of removal, or by the justice who shall grant any such pass as aforesaid.

In all cases when any order of removal or vagrant pass shall be suspended, any other justice of the county or place where such removal or pass shall be made, may order the same to be executed, &c.

II. And be it further enacted, That when the execution of any such order of removal shall be suspended, the time of appealing against such order shall be computed according to the rules which govern other like cases from the time of serving such order, and not from the time of making such removal under and by virtue of the same.

How the time of appealing shall be computed.

III. And, in order to avoid any pretence for forcibly separating husband and wife, or other persons nearly connected with or related to each other, and who are living together as one family at the time of any order of removal made or vagrant pass granted, during the dangerous sickness or other infirmity of any one or more of such family, on whose account the execution of such order of removal or vagrant pass is suspended; be it further enacted and declared, That where any order of removal or vagrant pass shall be suspended by virtue of this or of the said recited Act, on account of the dangerous sickness or other infirmity of any person or persons thereby directed to be removed or passed, the execution of such order of removal or vagrant pass shall also be suspended for the same period with respect to every other person named therein, who was actually of the same household or family of such sick or infirm person or persons at the time of such order of removal made or vagrant pass granted.

Order of removal suspended in case of sickness, may also extend to other persons named in the order to prevent the separation of a family.

No. XXIII. 49 Geo. III. c. 124.

Any magistrate may take the examination of an infirm pauper as to his settlement, and report to petty sessions.

IV. And be it further enacted, That whenever it shall happen that any pauper is by age, illness, or infirmity unable to be brought up to the petty sessions to be examined as to his or her settlement, it shall be lawful for any one magistrate acting for the district where such pauper shall be, to take the examination of the said pauper, and to report the same to any other magistrate or magistrates acting for the said district, and for the said magistrates upon such report to adjudge the settlement of the said pauper, and make and suspend the order of removal, as fully and effectually to all intents and purposes as if the said pauper had appeared before two magistrates.

22 G. 3. c. 83.

Two justices in petty sessions may direct the regulations prescribed by recited Act to be observed.

V. And whereas by an Act passed in the twenty-second year of the reign of his present Majesty, intituled *An Act for the better Relief and Employment of the Poor*, certain rules, orders, bye-laws, and regulations are appointed to be observed and enforced in every poor house established under the authority of the said Act: And whereas it is expedient that such rules, orders, bye-laws, and regulations should be extended to poorhouses and workhouses established in other parishes, it is hereby enacted, That any two or more of his Majesty's justices of the peace, may, at any petty sessions direct such rules, orders, bye-laws, and regulations, or any of them, to be observed and executed in any parishes, within their respective divisions or districts, as fully as in those incorporated by the said Act.

[No. XXIV.]—50 George III. c. 49.—An Act to amend the Laws for the Relief of the Poor, so far as relate to the examining and allowing the Accounts of Churchwardens and Overseers by Justices of the Peace.—[*9th June*, 1810.]

No. XXIV. 50 Geo. III. c. 49.

43 Eliz. c. 2.

17 G. 2. c. 88.

'WHEREAS by an Act made in the forty-third year of the reign of her late Majesty Queen *Elizabeth*, intituled, *An Act for the Relief of the Poor*, it is enacted, that churchwardens and overseers of the poor of every parish, shall within four days after their year, and after other overseers nominated, make and yield up to two justices of the peace a true and perfect account of all sums of money by them received, or rated and sessed and not received, and of all other things concerning their said office: And whereas by an Act made made in the seventeenth year of his late Majesty King *George* the Second, for remedying some defects in the said recited Act made in the forty-third year of the reign of Queen *Elizabeth*, it is enacted, That the churchwardens and overseers of the poor shall yearly and every year, within fourteen days after other overseers shall be nominated and appointed to succeed them, deliver in to such succeeding overseers a just, true, and perfect account in writing under the hands of the churchwardens and overseers directed to account, of all sums of money by them received or rated and assessed and not received, and of all other things concerning their said office; which said account shall be verified by oath, or by the affirmation of persons called *Quakers*, before one or more of his Majesty's justices of the peace, which said oath or affirmation such justice or justices is and are by the said Act authorised and required to administer, and to sign and attest the caption of the same at the foot of the said account: And whereas it is expedient that two or more justices should be empowered to examine and correct, and to allow and approve every such account before the same shall be signed and attested;' Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That in all cases where any such account is required to be made and yielded, and to be signed and attested as aforesaid by virtue of the said last recited Act, every such account shall be submitted by the churchwardens and overseers to two or more justices of the peace of the county, dwelling in or near the parish or place to which such account shall relate, at a special sessions for that purpose to be holden within the fourteen days appointed by the said last recited Act for delivering in such account; and such justices shall and they are hereby authorised and empowered, if they shall so think fit, to examine into the matter of every such account, and to ad-

Accounts of churchwardens and overseers of the poor, to be submitted by them to two or more justices at a special sessions held under last recited Act.

minister an oath or affirmation to such churchwardens and overseers of the truth of such account, and to disallow and strike out of every such account all such charges and payments as they shall deem to be unfounded, and to reduce such as they shall deem to be exorbitant, specifying upon or at the foot of such account every such charge or payment and its amount, so far as such justices shall disallow or reduce the same, and the cause for which the said was disallowed or reduced; and it shall be lawful for such two or more justices and they are hereby required to signify their allowance and approbation of any such account under their hands, and to sign and attest the caption of the same at the foot of such account, in manner directed by the said last recited Act: And in case such churchwardens and overseers, or any of them, shall refuse or neglect to make and yield up or to submit such account, or to verify the same by oath as aforesaid, or to deliver over to their successors within ten days from the signing and attesting such accounts, any goods, chattels, or other things, which on the examination and allowance of such account in manner aforesaid shall appear to be remaining in the hands of such churchwardens or overseers, it shall and may be lawful for any two or more justices of the peace to commit him, her, or them, to the common Gaol, until he, she, or they, shall have made and yielded such account, and verified the same as aforesaid, or shall have delivered over such goods, chattels, and other things which shall appear to be so remaining in his, her, or their hands as aforesaid; and in case such churchwardens and overseers, or any of them, shall refuse or neglect to pay to their successors within fourteen days from the signing and attesting such account, any sum or sums of money or arrearages which on examination and allowance of such account in manner aforesaid, shall appear or be found to be due and owing from such churchwardens or overseers, or any of them, or remaining in their hands, it shall and may be lawful for the subsequent churchwardens and overseers by warrant from any two or more justices of the peace, to levy all such sum and sums of money by distress and sale of the offenders goods, rendering to the parties the overplus; and in default of such distress, it shall be lawful for any such two justices of the peace to commit the offender or offenders to the common gaol of the county, there to remain without bail or mainprize, until payment of such sum or sums of money or arrearages as aforesaid.

Penalty for neglect, &c.

II. Provided always, and be it enacted, That if such churchwardens or overseers, or any of them, shall feel themselves, himself, or herself aggrieved by the disallowance or reduction of any such charges or payments, and be desirous of appealing against any order in that respect, made by any such two or more justices of the peace, it shall and may be lawful for him, her, or them, to enter an appeal against such order, at the next general or quarter sessions to be holden next after the tenth day from the making of such order, he, she, or they having first paid or delivered over to the succeeding churchwardens and overseers, such sum or sums of money, goods, chattels, and other things, as on the face of the account which shall have been submitted by him, her, or them to such two or more justices in manner aforesaid, shall appear and be admitted to be due and owing from him, her, or them, or remaining in his, her, or their hands, and having also entered into a recognizance before one or more such justice or justices, with two sufficient securities to be approved of by such justice or justices before whom such recognizance shall be acknowledged, in not less than double the sum or value in dispute, to enter such appeal at such next general or quarter sessions, and abide by such order as shall at that or any subsequent sessions be made on such appeal; and it shall and may be lawful for the justices of the peace assembled at such general or quarter sessions, on proof of the matters aforesaid, and on the production of such recognizance, and proof of the same having been duly entered into, to adjourn such appeal if they shall see occasion, or to hear the same, and to examine into and to confirm or reverse such disallowance or reduction in the whole or in part, as to such justices at such sessions shall seem just; and in any such case, the said justices at such sessions may (if they shall think fit) make an order that such churchwardens and overseers shall have the costs by them incurred upon any such appeal defrayed out of the poor rates of

Churchwardens, &c. may appeal to quarter sessions.

No. XXIV. 50 Geo. III. c. 49.

the parish or place; and the order of the general quarter sessions in execution of the powers given to them by this Act shall be binding on all parties.

Appeal may also lie by any other person.

III. Provided also, and be it enacted, That nothing herein contained shall take away or be construed to take away any power of appeal against any such account, by any other person entitled to appeal against the same by virtue of the said recited Acts or either of them.

Magistrates of corporations shall have the same jurisdictions as two or more justices.

IV. And be it further enacted, That every mayor, bailiff, or other head officer of every town and place corporate and city in *Great Britain*, or any two magistrates of such town or place corporate or city, being justice or justices of peace respectively, shall have the same authority by virtue of this Act within the limits and precincts of their jurisdictions as is by this Act limited, prescribed, or appointed to justices of the peace of the county, or any two or more of them, for the execution of this Act; subject nevertheless to an appeal to the general or quarter sessions in every such town or place corporate, or city respectively as aforesaid: Provided always, that in any town or place corporate, or city, where there are not four justices of the peace, it shall and may be lawful for any person or persons, where an appeal is given by this Act, to appeal, if he or they shall think fit, to the next general or quarter sessions of the peace for the county, riding, or division wherein such town or place corporate or city is situate.

Proceedings of quarter sessions final.

V. And be it further enacted, That no *certiorari* shall be granted to remove any order or proceeding of any general or quarter sessions or of any justices, made or had under this Act, into any superior court of record; but that all orders and proceedings of such sessions, and all orders and proceedings of such justices (subject to such appeal as aforesaid) under this Act, shall be final and conclusive to all intents and purposes.

Not to extend to churchwardens, &c. exempted from accounting under the recited Acts.

VI. Provided also, and be it enacted, That nothing in this Act contained shall extend or apply, or be construed to extend or apply to the accounts of any churchwarden or overseer of the poor in any parish or place where by the provisions of any Act or Acts relating to the poor of such parish or place, or by the construction of any such Act or Acts, such churchwardens and overseers are exempted from the rendering the accounts required by the herein before recited Acts of the forty-third year of the reign of her late Majesty Queen *Elizabeth*, and of the seventeenth year of the reign of his late Majesty King *George* the Second, or either of them; any thing hereinbefore contained to the contrary notwithstanding: Provided also that nothing in this Act contained shall extend or be construed to extend to the city of *London*.

Nor to the city of London.

Recited Acts, unless where it is hereby expressly mentioned, not to be affected.

VII. Provided also, and be it enacted, That nothing in this Act contained shall alter or repeal any of the provisions or regulations contained in the said recited Acts of the forty-third year of the reign of her late Majesty Queen *Elizabeth*, and of the seventeenth year of the reign of his late Majesty King *George* the Second, or either of them, other than and except only such provisions or regulations as are expressly mentioned in this Act, and so far as the same are expressly amended or altered by this Act.

[No. XXV.] 50 George III. c. 50.—An Act to explain and amend an Act made in the last Session of Parliament, relating to the Relief and Employment of the Poor, so far as relates to the more effectual carrying the same into Execution; and to extend the Provisions thereof to Parishes which shall not have adopted the Provisions of an Act of the twenty-second Year of his present Majesty, for the better Relief and Employment of the Poor.—[9th *June* 1810.]

No. XXV. 50 Geo. III. c. 50.

22 G. 3. c. 83.

'WHEREAS an Act was passed in the twenty-second year of the reign of his present Majesty, intituled, *An Act for the better Relief and Employment of the Poor*, whereby certain rules, orders, and regulations specified and contained in the schedule to the said Act annexed, are directed

No. XXV. 50 Geo. III. c. 50.

'to be observed and enforced at every poorhouse to be provided by virtue 'of that Act, with such additions as shall be made by the justices of the 'peace of the limit wherein such house or houses should be situate, at some 'special session; provided such addition should not be contradictory to the 'rules, orders, and regulations established by that Act; and provided that 'the same should not be repealed by the justices at their general quarter 'sessions of the peace: And whereas another Act was passed in the forty-'ninth year of the reign of his present Majesty, intituled, *An Act for alter-* 49 G. 3. c. 124.
'*ing, amending, and explaining certain Acts relative to the Removal of the* '*Poor, and for making Regulations in certain Cases touching the Examina-*'*tion of Paupers as to their Settlements; and for extending to all Parishes* '*certain Rules and Orders in Workhouses, under an Act of the twenty-second* '*Year of his present Majesty,* intituled, *An Act for the better Relief and* '*Employment of the Poor;* whereby any two or more of his Majesty's jus-'tices of the peace are authorized, at any petty sessions, to direct such 'rules, orders, and regulations, or any of them, to be observed and exe-'cuted in any parishes within their respective divisions or districts: And 'whereas it is expedient that the benefit of such regulations as are pro-'vided and authorized to be made by the said recited Act of the twenty-'second year of his present Majesty, for the government of poorhouses 'and workhouses, should be extended to parishes which shall not have 'adopted the provisions of the said Acts;' May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That any two or more of his Majesty's justices of the peace, within their respective limits, may at any special session direct the rules, orders, and regulations, in the schedule to the said Act of the twenty-second year of his Majesty's reign specified and contained, or any of them, with such additions as shall be made by such justices, to be observed and enforced in the workhouses or poorhouses, or any houses set apart for that purpose, although there should be no master or mistress to superintend the same, of any parish or place within their respective divisions or districts, as fully and effectually as the rules and orders by the said Act of the twenty-second year of his Majesty's reign established, are to be observed and enforced within the parishes adopting the provisions of the same Act: and that it shall be lawful for two or more such justices, in any special session from time to time as they shall see occasion, to add to and alter the rules, orders, and regulations which shall at any previous special sessions have been made and ordered to be observed, provided that no addition or alteration to be made by such justices shall be contradictory to the rules, orders, and regulations established by the said Act of the twenty-second year of his Majesty's reign, and provided that the same shall not be repealed by the justices at their quarter session of the peace; and for enforcing and carrying into execution such rules, orders, and regulations in every parish and place where the same shall be established by virtue of this Act, every justice of the peace shall for that purpose have the powers by the said Act of the twenty-second year of his Majesty's reign vested in visitors of the poor; and all churchwardens and overseers, within their respective parishes and townships, shall have and exercise the powers, and shall perform the duties by the same Act vested in and imposed upon governors of the poor.

Two justices may direct the regulations specified in schedule of 22 G. 3. c. 83. to be observed in workhouses where no master or mistress is appointed to superintend; and may alter such regulations.

II. And be it further enacted, That persons contracting for the maintenance of the poor of any parish or place shall, with respect to all such things as they shall contract to perform and provide for the poor, be subject to the jurisdiction and orders of justices of the peace in like manner in all respects as overseers of the poor are subject thereto; and that every order of any such justice to or upon any person so contracting, may be enforced and carried into execution by such means as the same might have been enforced and carried into execution against any overseer of the poor; and that every person so contracting for the maintenance of the poor, who shall refuse or neglect to obey any such order, shall be punishable by the like

Contractors for providing for the poor shall be subject to the jurisdiction of the justices as overseers of the poor.

No. XXV. 50 Geo. III. c. 50.

forfeitures and penalties, to be levied in the same manner as in cases of disobedience or neglect of the orders of justices by overseers of the poor.

Justices may appoint the keeper of the workhouse to be governor.

III. Provided always, and be it further enacted, That it shall be lawful for the justices in any such special session as aforesaid, upon the application of the overseers of the poor of any parish or place, or of the major part of them, to appoint the keeper of the workhouse of any such parish or place to be the governor thereof, and the keeper so appointed, so long as he shall continue keeper of such workhouse until the justices in any such special session shall revoke such appointment (which they are hereby empowered to do) shall have, use, and exercise the powers, and perform the duties by the said Act of the twenty-second year of his Majesty's reign, vested in and imposed upon governors of the poor.

Penalty on embezzling goods.

IV. And be it further enacted, That if any person who shall be sent to any poorhouse or workhouse shall embezzle or wilfully waste, spoil, or damage any of the clothing, goods, or materials committed to his or her care, or shall take or carry away, without permission of the overseer of the poor or keeper of the said workhouse, any clothing, goods, or materials provided for the use of such poorhouse, or of any of the poor therein, complaint thereof may be made upon oath to one or more justices of the peace acting for the district or division in which such parish shall be situate; and such justices are hereby authorized to hear such complaint, and upon conviction to commit the offender to the house of correction, there to be kept to hard labour for any time not exceeding two calendar months, nor less than seven days.

Breach of rules under this Act to be punished.

V. And be it further enacted, That any breach of the rules and orders to be put in force by virtue of this Act, shall be punished in such manner as is by the said Act directed for the breach of the rules and orders to be enforced under the before-recited Act of the twenty-second year of his present Majesty, chapter eighty-three.

[No. XXVI.] 50 George III. c. 52.—An Act to amend so much of an Act, passed in the eight and ninth Year of King *William* the Third, as requires poor Persons receiving Alms to wear Badges.—[9th *June*, 1810.]

No. XXVI. 50 Geo. III. c. 52.

8 & 9 W. 3. c. 30.

'WHEREAS by an Act passed in the eighth and ninth year of the reign of his late Majesty King *William* the Third, intituled, *An Act for supplying some Defects in the Laws for the Relief of the Poor of this Kingdom*, it is enacted, that every such person as, from and after the first day of *September* one thousand six hundred and ninety-seven, shall be upon the collection and receive relief of any parish or place, and the wife and children of any such person cohabiting in the same house (such child only excepted as shall be by the churchwardens and overseers of the poor permitted to live at home in order to have the care of and attend an impotent and helpless parent), shall upon the shoulder of the right sleeve of the uppermost garment of every person, in an open and visible manner, wear such badge or mark as is hereinafter mentioned and expressed; that is to say, a large roman P, together with the first letter of the name of the parish or place whereof such poor person is an inhabitant, cut either in red or blue cloth, as by the churchwardens and overseers of the poor it shall be directed and appointed; and if any such poor person shall at any time neglect or refuse to wear such a badge or mark as aforesaid, and in manner as aforesaid, it shall and may be lawful for any justice of the peace of the county, city, liberty, or town corporate, where any such offence shall be committed, upon complaint to him for that purpose to be made, to punish every such offender for every such offence, either by ordering of his or her relief or usual allowance on the collection to be abridged, suspended or withdrawn, or otherwise by committing of any such offender to the house of correction, there to be whipt and kept to hard labour for any number of days not exceeding one and twenty, as to the said justice in his discretion it shall seem most meet; and if any

'such churchwarden or overseer of the poor, from and after the said first 'day of *September*, shall relieve any such poor person not having and wear- 'ing such badge or mark as aforesaid, being thereof convicted upon the 'oath of one or more credible witness or witnesses before any justice of 'the peace of the county, city, liberty, or town corporate where any such 'offence shall be committed, shall forfeit for every such offence the sum of 'twenty shillings, to be levied by distress and sale of the goods of every 'such offender, by warrant under the hand and seal of any such justice; 'one moiety to be to the use of the informer, and the other to the poor of 'the parish where the offence shall be committed: and whereas it is ex- 'pedient that the said part of such Act be repealed:' May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act, the said part of such recited Act shall be, and the same is hereby repealed.

No. XXVI. 50 Geo. III. c. 52.

So much of recited Act as requires poor persons to wear badges repealed.

[No. XXVII.] 52 George III. c. 160.—An Act to enable Justices of the Peace to order parochial Relief to Prisoners confined under Mesne Process for Debt in such Gaols as are not County Gaols.—[29th *July* 1812.]

[Inserted ante. Title *Gaols and Houses of Correction.* Cl. 21. No. 27.]

[No. XXVII.[a]] 54 George III. c. 91.—An Act to amend so much of an Act, passed in the Forty-third Year of Her late Majesty Queen *Elizabeth*, as concerns the Time of appointing Overseers of the Poor.—[14th *July* 1814.]

No. XXVII. 54 Geo. III. c. 91.

43 Eliz. c. 2.

WHEREAS by an Act made in the forty-third year of her late Majesty Queen *Elizabeth* intituled, *An Act for the Relief of the Poor*, it is enacted, That the churchwardens of every parish, and four, three, or two substantial householders there, as shall be thought meet, having respect to the greatness of the parish, to be nominated yearly in *Easter* week, or within one month after *Easter*, under the hand and seal of two or more justices of the peace in the same county, whereof one to be of the quorum, dwelling in or near the same parish or division where the same parish doth lie, shall be called overseers of the poor of the same parish: And whereas great inconvenience is often found to arise, from the time for appointing such overseers being regulated by a moveable feast; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act, the appointment of overseers of the poor, so directed by said Act of Queen *Elizabeth*, shall, in every year, be made on the twenty-fifth day of *March*, or within fourteen days next after the said twenty-fifth day of *March*, in all and every the same manner as directed by the said Act to be made in *Easter* week; any thing in the said Act or any other Act to the contrary notwithstanding.

&c.

Appointment of overseers of the poor.

[No. XXVIII.] 54 George III. c. 107.—An Act to render valid certain Indentures for the binding of Parish Apprentices, and Certificates of the Settlement of poor Persons.—[23d *July* 1814.]

[Vi. ante. Title *Apprentices.*]

[No. XXIX.] 54 George III. c. 170.—An Act to repeal certain Provisions in local Acts, for the Maintenance and

Regulation of the Poor; and to make other Provisions in relation thereto.—[30th *July* 1814.]

No. XXIX. 54 Geo. III. c. 170.

'WHEREAS divers local Acts of Parliament have lately passed, containing enactments relative to the maintenance and regulation of the poor, varying the general law with respect to particular districts, parishes, townships, or hamlets: and it is expedient, that some of such enactments should be repealed, and that other provisions contained in such Acts, should be made general:' Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That all enactments and provisions contained in any Act or Acts of Parliament, since the commencement of the reign of his late Majesty *George* the First, whereby any alteration is made, in respect of gaining or not gaining a settlement within any particular district, parish, township, or hamlet, shall be, and the same are hereby repealed; and that all and every person shall be deemed and taken to have acquired and to acquire a settlement in every such district, parish, township, or hamlet, by any ways or means he, she, or they would or might have done, or would or might do, in case such Act or Acts, or any of them, had not been made and passed, and notwithstanding the same or any of them are or was in force and operation.

All enactments and provisions in respect of gaining settlements contained in local Acts repealed.

II. Provided always, That no person shall be deemed or taken to acquire any settlement in any district, parish, township, or hamlet, by reason of such person being born of the body of any mother actually confined as a prisoner within the walls of any prison; or any house licensed for the reception of pregnant women, in pursuance of an Act made and passed in the thirteenth year of his present Majesty's reign, for the better regulation of lying-in hospitals, and other places appropriated for the charitable reception of pregnant women; in which any such prison or house shall be situated.

Persons born in prisons, or houses licensed for the reception of pregnant women, not to gain a settlement thereby.

III. Provided always, That whensoever any person shall be born of the body of any poor person, in any house of industry, or house for the reception and care of the poor of any district, parish, township, or hamlet, which shall be locally situated in any district, parish, township, or hamlet, contributing to the expences of maintaining the poor in such house, or in any other district, parish, township, or hamlet, not contributing to such expence, such person shall, so far as regards the settlement of such person, be deemed and taken to be born in the district, parish, township, or hamlet, by whom the mother of such person was sent to, and on whose account the mother of such person was received and maintained in such house.

Provision respecting settlements by reason of birth in any poor-house or house of industry belonging to united parishes.

IV. Provided always, and be it further enacted, That no person shall be deemed or taken to gain any settlement by reason of any residence within any district, parish, township, or hamlet, while he, she, or they shall be detained or confined as a prisoner within any such district, parish, township, or hamlet, on any civil process or for any contempt whatsoever.

Prisoners for debt or contempt not to gain settlements while in custody.

V. Provided always, and be it further enacted, That no gate-keeper or toll-keeper of any turnpike road or navigation, or person renting the tolls and residing in any toll-house of any turnpike road or navigation, shall thereby gain any settlement in any district, parish, township, or hamlet.

No gatekeeper or person residing in any toll-house to gain a settlement thereby.

VI. Provided always, and be it further enacted, That no person or persons shall gain any settlement in any district, parish, township, or hamlet, by reason of any residence in any house or other dwelling-place provided for the residence of such person or persons by any charitable institution, while such person or persons shall be supported and maintained at the expence of such charitable institution, as an object or objects of such charity.

No person maintained in any charitable institution, to gain any settlement by residence therein.

VII. And be it further enacted, That from and after the passing of this Act it shall not be lawful for the master, governor, or other person entrusted with the superintendance of any house for the reception of poor persons, or the churchwarden, overseer, or other persons elected, constituted or appointed, by or under the authority of any Act or Acts of Parliament for the controul or management of the poor of any district, parish,

Masters, &c. of poorhouse not to punish or confine be-

township, or hamlet, to punish with any corporal punishment whatsoever, any adult person or persons under his, her, or their care or charge, for any offence or misbehaviour whatsoever; or to confine any such person or persons whatsoever, for any offence or misbehaviour, for any longer or greater space of time than twenty-four hours, or such further space of time as may be necessary, in order to have such person or persons before a justice of the peace; any thing in any Act or Acts of Parliament contained to the contrary in anywise notwithstanding.

Not to punish beyond a limited time.

VIII. And be it further enacted, That all securities given or received, or hereafter to be given, for indemnifying any district, parish, township, or hamlet, for the maintenance of any bastard child or children respectively, or any expences in any way occasioned by such district, parish, township, or hamlet, by reason of the birth or support of any bastard child or children born within such district, parish, township, or hamlet, or chargeable thereto, shall be, and the same are hereby declared to be vested in the overseers of the poor of such district, parish, township, or hamlet for the time being; and that it shall and may be lawful for the overseers of the poor of such district, parish, township, or hamlet, to sue for the same as and by their description of overseers of such district, parish, township, or hamlet; and such action, so commenced by such overseers shall in no ways abate by reason of any change of overseers of such district, parish, township, or hamlet, pending the same, but shall be proceeded in by such overseers for the time being, as if no such change had taken place, any law, usage, statute, or custom to the contrary in any wise notwithstanding.

Overseers may sue on securities to indemnify against bastards.

IX. And be it further enacted, That no inhabitant or person rated or liable to be rated to any rates or sesses of any district, parish, township, or hamlet, or wholly or in part maintained or supported thereby, or executing or holding any office thereof or therein, shall, before any court or person or persons whatsoever, be deemed and taken to be by reason thereof an incompetent witness for or against such district, parish, township, or hamlet, in any matter relating to such rates or sesses; or to the boundary between such district, parish, township, or hamlet, and any adjoining district, parish, township, or hamlet; or to any order of removal to or from such district, parish, township, or hamlet; or the settlement of any pauper in such district, parish, township, or hamlet; or touching any bastards chargeable or likely to become chargeable to such district, parish, township, or hamlet; or the recovery of any sum or sums for the charges or maintenance of such bastards; or the election or appointment of any officer or officers, or the allowance of the accounts of any officer or officers of any such district, parish, township, or hamlet; any law, usage, statute, or custom, to the contrary in anywise notwithstanding.

Inhabitants not to be incompetent witnesses in certain cases on behalf of or against their parishes.

X. And be it further enacted, That it shall and may be lawful for the churchwardens, overseers, or others having the controul, ordering, or management of the poor of any district, parish, township, or hamlet, to employ any proper person or persons whomsoever, to carry, remove, and deliver any pauper or paupers ordered to be removed by any of his Majesty's justices of the peace, competent to make such order; and that a delivery by such person or persons of any pauper or paupers so ordered to be removed shall be as good, valid, and effectual, to all purposes whatsoever, as if the same was or were delivered by any churchwarden or overseer whatsoever.

Paupers ordered to be removed, may be conveyed by other persons than churchwardens or overseers.

XI. And be it further enacted, That it shall and may be lawful for any two or more of his Majesty's justices of the peace acting for the county, riding, division, or jurisdiction, in which any district, parish, township, or hamlet, shall be situated, in petty sessions assembled, on application made to them by any person rated to any rates or sesses within any such district, township, parish, or hamlet, to be discharged therefrom, and proof of his or her inability through poverty to pay such rate or sess, with the consent of the churchwardens and overseers of such district, parish, township, or hamlet, or of such other person or persons as is or are competent to act, under the authority of any Act or Acts of Parliament, for the ordering, management, controul, or direction of the poor of any such district, parish, township, or hamlet, to order and direct that such person shall be excused from the payment of such rate or sess, and to strike out his or her name therefrom; and the

Justices out of sessions, with consent of parish officers, may discharge paupers from the payment of parish rates.

No. XXIX. 54 Geo. III. c. 170.

sum at which such person was so rated in such rate or sess shall not thereafter be collected, or any person or persons charged therewith, or in any manner called or liable to account for the same, or for omitting to collect or receive the same.

Distress for poor's rate, &c. if not to be found within the district, &c. may be made out of the district.

XII. And be it further enacted, That the goods and chattels of any person or persons neglecting or refusing to pay any sum or sums of money legally assessed on and due from him, her, or them, in respect of any rate for the relief of the poor, church sess, or highway sess, of any district, parish, township, or hamlet, for the space of seven days after the same shall have been legally demanded of him, her, or them, shall and may be distrained, not only within such district, parish, township, or hamlet, but also within any other district, parish, township, or hamlet, within the same county, riding, division, or jurisdiction; and if sufficient distress cannot be found within the same county, riding, division, or jurisdiction, then, upon oath thereof made before any one or more justice or justices of the peace of any other county, riding, division, or jurisdiction, in which any of the goods or chattels of such persons shall be found; which oath such justice or justices are hereby required to administer and certify, by indorsing in his or their respective handwriting, his or their name or names, on the warrant granted to make such distress, the goods and chattels of the said person or persons so neglecting or refusing to pay as aforesaid, shall be subject and liable to such distress and sale, in such other county, riding, division, or jurisdiction, where the same shall be found; and may, by virtue of such warrant and certificate, be distrained and sold in the same manner as if the same had been found within the district, parish, township, or hamlet, in or for which such rate or sess had been made or was due.

[No. XXX.] 55 George III. c. 137.—An Act to prevent poor Persons in Workhouses from embezzling certain Property provided for their use; to alter and amend so much of an Act of the thirty-sixth Year of his present Majesty, as restrains Justices of the Peace from ordering Relief to poor Persons in certain Cases for a longer Period than one Month at a Time; and for other Purposes therein mentioned, relating to the Poor.—[*4th July* 1815].

No. XXX. 55 Geo III. c. 137.

WHEREAS many persons, received into public workhouses established for the relief, maintenance, and employment of the poor, pawn and dispose of their clothes and apparel, and the goods and chattels deposited in or belonging to such workhouses; and poor persons, relieved by having clothes and apparel given them by the officers of parishes, frequently pawn and sell the same; and by the laws now in force no punishment can be inflicted on them, or on the person or persons buying or receiving the same into pawn: For remedy whereof, May it please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That the property of and in all and singular the goods, chattels, furniture, provisions, clothes, linen and wearing apparel, tools, utensils, materials, and things whatsoever, had and to be had, bought, procured or provided for the use of the poor of any parish or parishes, township or townships, hamlet or hamlets, place or places, shall be and the same is hereby vested in the overseers of the poor of such parish or parishes, township or townships, hamlet or hamlets, place or places for the time being, and their successors in office, for the purposes of this Act, who are hereby empowered to bring or cause to be brought, any action or actions, or to prefer or order the preferring of any bill or bills of indictment against any person or persons who shall steal, take, or carry away, or buy or receive any such goods, chattels, provisions, clothes, linen, furniture, wearing apparel, tools, utensils, materials, or things whatsoever as aforesaid, or any part thereof; and in every such action and indictment the said goods, chattels, provi-

Property in goods, &c. provided for the use of the poor to be vested in overseers.

sions, clothes, linen, wearing apparel, tools, utensils, materials, and things, shall be laid or described to be the property of the overseers of the poor for the time being of such parish or parishes, township or townships, hamlet or hamlets, place or places, without stating or specifying the name or names of all or any of such overseers: Provided always, That nothing herein contained shall extend to repeal any of the provisions contained in any Act or Acts of Parliament, whereby the property of and in any such goods, chattels, furniture, provisions, clothes, linen, wearing apparel, tools, utensils, materials, and things, is or may be vested in any other person or persons jointly with, or independent of the overseers of the poor of any parish or parishes, township or townships, hamlet or hamlets, place or places.

Not to repeal provisions in local Acts.

II. And be it further enacted, That the overseers of the poor, or other person or persons who may be appointed for the ordering, regulating, managing, or providing for the poor of any parish or parishes, township or townships, hamlet or hamlets, place or places, jointly with or independent of such overseers of the poor, shall or may, and they are hereby authorized and empowered to cause all such goods, chattels, furniture, clothes, linen, wearing apparel, tools, utensils, materials, and things, capable of being marked, and from time to time belonging to such overseers, or other person or persons, to be marked, stamped, or branded with the word "workhouse," and such other mark or marks as they shall think proper for identifying the parish or parishes, township or townships, hamlet or hamlets, place or places, by which the same shall have been provided: And if any pawnbroker or other person or persons, shall knowingly take in pawn, puy, exchange or receive any goods, chattels, furniture, clothes, linen, wearing apparel, tools, utensils, materials and things, provided for the use of any of the poor who are or shall be received into the workhouse of any parish or parishes, township or townships, hamlet or hamlets, place or places, or to whom the same shall have been given by the overseers of the poor, or other such person or persons as aforesaid appointed as aforesaid, of or for any such parish or parishes, township or townships, hamlet or hamlets, place or places, or any of them, or any of the goods or materials carried into any such workhouse or workhouses, to be wrought up, manufactured or used by the poor there, or any of the goods or furniture of such workhouse or workhouses; or shall receive or buy any of the provisions allotted to or provided for the poor of such workhouse or workhouses, or shall be aiding or assisting therein; or if any person or persons shall cause such mark or stamp, marks or stamps, as aforesaid, to be obliterated or defaced, every person so offending shall forfeit for every such offence any sum not exceeding the sum of five pounds, nor less than one pound, upon conviction thereof, either by the confession of such person or persons, or by the oath of one or more credible witness or witnesses, before any one or more of his Majesty's justices of the peace of the county, city, town, riding, or division wherein the offence or offences shall be committed; one moiety of which said penalty shall go to the informer or informers, and the other moiety shall go and be paid to the overseers of the poor of the parish or parishes, township or townships, hamlet or hamlets, place or places, to which such articles or things may belong, for the use of the poor of such parish or parishes, township or townships, hamlet or hamlets, place or places; and in case any person or persons who shall be convicted as aforesaid, shall not pay such penalty or penalties upon conviction, then and in such case such justice or justices of the peace shall and may and is and are hereby required to commit such offender or offenders to the common gaol or house of correction, there to remain without bail or mainprize for any space of time not exceeding two calendar months; and if any person or persons shall desert or run away from any workhouse or workhouses, and carry away with him, her, or them, any clothes, linen, or other goods or things as aforesaid, such person or persons being thereof lawfully convicted either by the confession of such party or parties, or by the oath or oaths of one or more credible witness or witnesses, before any justice or justices of the peace, shall by such justice or justices of the peace be forthwith committed to the common gaol or house of correction, there to remain without bail or mainprize for the space of three calendar months;

Parish officers may cause goods, &c. to be marked.

Penalty on persons buying or receiving into pawn any property provided for the poor by parish officers;

Or defacing marks.

On nonpayment of penalty, offenders to be committed.

Persons absconding with workhouse property, to be committed.

No. XXX. 55 Geo. III. c. 137.

and in all cases such mark, stamp, or brand, on any such articles or things as aforesaid (being duly authenticated) shall be considered and taken to be sufficient evidence, without further proof, of the right of property in such overseers or other person or persons appointed as aforesaid, as the case may be: Provided always, that such mark or stamp as aforesaid shall not at any time be placed on any articles of wearing apparel so as to be publicly visible on the exterior of the same.

Mark or stamp on articles to be evidence of the right of property.

Mark not to be put on the outside of wearing apparel.

III. And whereas by an Act passed in the thirty-sixth year of the reign of his present Majesty, intituled, *An Act to amend so much of an Act made in the ninth Year of the Reign of King* George *the First,* intituled, *An Act for amending the Laws relating to the Settlement, Employment, and Relief of the Poor, as prevents the distributing occasional Relief to poor Persons in their own Houses, under certain Circumstances and in certain Cases,* justices of the peace are authorized and empowered to direct and order collection and relief to industrious poor persons at their homes, in any parish, town, township, or place, notwithstanding any contract shall have been entered into or made with any person or persons for lodging, keeping, maintaining, and employing any and all poor persons there, in a house or houses for such purpose hired or purchased, provided that such order should be given for and remain in force for a time not to exceed one month from the date of such order, but that any two justices might make any further order for the same or a like purpose, for any further time not exceeding one month, and so on from time to time as the occasion should require: And whereas it is expedient that justices should be empowered to order relief to be paid to poor persons, in the cases mentioned in the said Act, for longer periods than one month at a time: Be it therefore enacted by the authority aforesaid, that from and after the passing of this Act, it shall and may be lawful to and for any justice or justices of the peace, in the cases and in the manner mentioned in the said Act, to direct and order collection and relief to be paid to any poor person or persons, at his, her, or their home or homes, house or houses, during such time or times as to such justice or justices may seem proper, not exceeding three months from the date of such order: Provided also, that it shall and may be lawful for any two such justices as aforesaid, to make any further order for the same or the like purpose, for any further time not exceeding six months from the date of such order, and so on from time to time as the occasion shall require; such justice or justices first administering on oath as to the need and cause of such relief, in each of the above cases, and thereupon summoning the overseer or overseers of the poor of the parish, town, township, or place, to be charged with such relief, to shew cause why such poor person or persons should not receive such relief in manner as by law provided, in cases where no contract for lodging, keeping, and maintaining the poor shall have been made; and in case it shall afterwards appear to the justice or justices making such order, that the payment of such collection or relief to any such person or persons as aforesaid ought to be discontinued before the expiration of the time for which any such order or orders shall have been made, such justice or justices shall and may order such relief to be discontinued, and from thenceforth the person or persons for whom and on whose account such order shall have been made, shall not be entitled to ask or receive the same.

36 G. 3. c. 23.

The time for which justices may order relief to poor persons at their own homes extended.

Justices making such orders may direct the payment of relief to be discontinued.

IV. Provided always, and be it further enacted, That the sum or sums of money which any such justice or justices shall or may order to be paid to any such poor person or persons, for any longer space or period of time than one month, shall not exceed for each such poor person the sum of three shillings per week, or three-fourths of the average weekly expence which shall be usually borne or paid by the parish or place on which such order shall be made for the maintenance of each poor person, in any workhouse or workhouses in which poor persons of or belonging to such parish or place shall be usually maintained and employed.

Limitation of allowances in certain cases.

V. And whereas persons maintained in public workhouses sometimes refuse to work, or are guilty of drunkenness, and other misbehaviour, and by the laws in being, no sufficient punishment is provided for such offences;

Persons guilty of misbehaviour in workhouses, may be commited.

Be it therefore enacted, that in case any person or persons, maintained in any public workhouse or workhouses established for the relief, maintenance, and employment of the poor, shall refuse to work at any work, occupation, or employment, suited to his, her, or their age, strength, and capacity, or shall be guilty of drunkenness or other misbehaviour, every such person or persons, being thereof lawfully convicted before any justice or justices of the peace, shall thereupon by such justice or justices of the peace be committed to the common gaol or house of correction, there to remain without bail or mainprize for any period of time not exceeding twenty-one days, and during such time to be kept to hard labour.

Persons having the management of the poor, not to be concerned in contracts, &c. whilst in office.

VI. And be it further enacted, That from and after the twenty-fifth day of *March* next after the passing of this Act, no churchwarden or overseer of the poor, or other person or persons in whose hands the collection of the rates for the relief of the poor, or the providing for, ordering, management, countroul, or direction of the poor of any parish or parishes, township or townships, hamlet or hamlets, place or places, shall or may be placed jointly with or independent of such churchwardens and overseers, or any of them, under or by virtue of any Act or Acts of Parliament, shall, either in his own name, or in the name of any other person or persons, provide, furnish, or supply, for his or their own profit, any goods, materials, or provisions, for the use of any workhouse or workhouses, or otherwise, for the support and maintenance of the poor, in any parish or parishes, township or townships, hamlet or hamlets, place or places, for which he or they shall be appointed as such, during the time which he or they shall retain such appointment, nor shall be concerned, directly or indirectly, in furnishing or supplying the same, or in any contract or contracts relating thereto, under pain of forfeiting the sum of one hundred pounds, with full costs of suit, to any person or persons who shall sue for the same by action of debt, or on the case, in any of his Majesty's courts of record at *Westminster*, in which action or actions no essoin, protection, wager of law, or more than one imparlance shall be allowed: Provided nevertheless, that if it shall happen in any parish or parishes, township or townships, hamlet or hamlets, place or places, that a person or persons competent and willing to undertake the supply of any of the articles or things required for such workhouse or workhouses, or for the use of the poor there, cannot be found within a convenient distance therefrom, other than and except some or one of the churchwardens and overseers of the poor, or other person or persons having the ordering, managing, controul or direction of the poor, in such parish or parishes, township or townships, hamlet or hamlets, place or places, then and in every such case it shall and may be lawful to and for any two or more neighbouring justices of the peace (proof thereof having been first duly made before them upon oath, and which oath such justices or any one of them are and is hereby authorized and empowered to administer) by certificate under their hands and seals, to permit and suffer any one or more of such churchwardens and overseers, or other such person or persons as aforesaid, to contract and agree for the furnishing and supplying of any articles or things which may be required for such workhouse or workhouses, or otherwise, for the use of the poor of such parish or parishes, township or townships, hamlet or hamlets, place or places, during the time which he or they may retain such appointment, any thing herein contained to the contrary notwithstanding; and such certificates shall be entered with the clerk of the peace or town clerk of the county, city, town, or district, in which such person or persons shall reside, and a copy thereof left with him, for which entry every such clerk shall receive one shilling and no more; and from that time, every person and persons named in any such certificate shall be discharged from any penalty to which he or they would otherwise be liable under this Act, for furnishing or supplying any such articles or things as aforesaid; and in case any action or suit for the recovery of any such penalty as aforesaid shall be commenced against an person or persons to whom such certificate shall have been granted as aforesaid, it shall and may be lawful to and for such person or persons to plead generally, that he or they was or were duly discharged from any liability to such forfeiture, by a certificate granted

Penalty.

Exceptions in certain cases.

No. XXX. 55 Geo. III. c. 137.

according to the provisions of this Act; and upon due proof being given of such certificate, and of such entry thereof as aforesaid, the jury shall find a verdict for the defendant in such action or suit; and if the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action, or if verdict shall pass against him, her, or them, or if judgment shall be had against him, her, or them, on demurrer, then the defendant or defendants in such action shall have double costs, and have such and the like remedy for the recovery of the same as any defendant or defendants hath or have for recovering costs of suit in any other cases by law.

Notice of contracts for supplying workhouses to be given.

VII. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, when and so often as any contract or contracts shall be made or entered into for the providing, furnishing, or supplying any articles, materials or things, for the use of the poor in the workhouse or workhouses of or belonging to any parish or parishes, township or townships, hamlet or hamlets, place or places, or for the erecting of any building or buildings, the expence whereof is to be defrayed out of any rate or rates, or other monies applicable to the relief of the poor, the churchwardens and overseers of the poor, or other person or persons having the management, controul, or direction of the poor in such parish or parishes, township or townships, hamlet or hamlets, place or places, shall cause notice of their intention to enter into such contract or contracts, and of the time and place when and where they shall assemble and meet for such purpose, and of the security which will be required for the performance of such contract or contracts, to be affixed in a conspicuous manner on the outer door of the church or respective churches to which such parish or parishes, township or townships, hamlet or hamlets, place or places, shall belong, or to be inserted in one or more of the public newspapers most generally circulated in the neighbourhood, seven days at the least previous to such meeting, in order and to the intent that any person or persons willing to undertake the supplying or furnishing the same, may make proposals for that purpose to such churchwardens and overseers, or other person or persons as aforesaid, at the time and place mentioned in such notice.

Form of conviction.

VIII. And be it further enacted, That all justices of the peace before whom any person or persons shall be convicted of any offence against this Act, shall and may cause the conviction to be drawn up in the following form, or to the like effect; (that is to say),

'BE it remembered, That on the day of in the 'year of our Lord A. B. is duly convicted before 'of his Majesty's justices of the peace for the county of '[*or*, city, *or*, liberty, of *as the case may be*] of having [*here 'state the offence*] contrary to the statute in that case made and provided. 'Given under my hand and seal [*or*, our hands and seals, *as the case may 'be*] the day and year first above written.'

Conviction not to be set aside for want of form.

And that such conviction shall be good and effectual in law to all intents and purposes, and shall not be quashed or set aside, or adjudged void or insufficient, for want of any other form of words whatever; nor shall the same be removed by *certiorari* or any other writ or process whatsoever, into any of his Majesty's courts of record at *Westminster;* any law, statute, or usage to the contrary thereof notwithstanding.

Appeal to the quarter sessions.

IX. Provided always, and be it further enacted, That if any person or persons shall think himself, herself, or themselves aggrieved by the judgment of such justice or justices as aforesaid, such person or persons may appeal to the next general or quarter sessions of the peace to be held for the county, city, or place wherein the cause of complaint shall have arisen; such person or persons at the time of his, her, or their conviction entering into a recognizance, with two sufficient sureties conditioned personally to appear at the said sessions, to try such appeal, and to abide the further judgment of the justices at such sessions assembled; and the said justices at such general or quarter sessions shall hear and determine the causes and matters of such appeal in a summary way, and make such order therein as the said justices

Recognizances to be entered into.

Decision to be final.

shall think proper; and the determination of such justices at their general or quarter sessions shall be final and conclusive.

No. XXX. 55 Geo. III. c. 137.

[XXXI.] 56 Geo. III. c. 129.—An Act to repeal certain Provisions in Local Acts for the Maintenance and Management of the Poor.—[1*st July* 1816.]

No. XXXI. 56 Geo. III. c. 129.

WHEREAS divers Local Acts of Parliament have lately passed, containing enactments relative to the maintenance and regulation of the poor, varying the general law with respect to particular districts, parishes, townships, or hamlets; and it is expedient that some of such enactments should be repealed; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That all enactments and provisions, contained in any Act or Acts of Parliament since the commencement of the reign of his late Majesty King *George* the First, whereby any poor person or persons, other than such as shall actually apply for and receive parochial relief, are compelled or made compellable to go or remain in any house of industry or workhouse; or whereby any poor person or persons may be detained or kept in any house of industry or workhouse, at the discretion of the governors or directors thereof, or of the churchwardens or overseers of the poor of any district, parish, township or hamlet, after such persons are capable of maintaining themselves; or whereby any poor person or persons may be compelled to remain in any house of industry or workhouse, until the charges and expences to which any district, parish, township or hamlet may have been put or become liable or chargeable for the maintenance or support of such poor person or persons, or any of his or her family, shall be repaid or reimbursed or satisfied by the earnings or labour of such poor person or persons; or whereby any poor child or children whomsoever is or are rendered liable to be apprenticed to any governor, director, or master of any such house of industry or workhouse; or whereby any parish, township, or hamlet, at a greater distance than ten miles from such house of industry or workhouse, shall hereafter be empowered or authorized to become contributors to, or to take the benefit of such house of industry or workhouse; or whereby any directors, governors, guardians or masters of any such house of industry or workhouse, are authorized or empowered to hire out any poor person or persons of full age, or to contract or agree with any person or persons to have and take the profit of the labour of such poor person or persons; shall be wholly and severally, and the same are hereby wholly and severally repealed.

Certain enactments in local poor Acts, passed since the commencement of the reign of Geo. I. repealed.

II. And be it further enacted, That from and after the passing of this Act, it shall not be lawful for any governor, director, guardian, or master, of any house of industry or workhouse, on any pretence, to chain, or confine by chains or manacles, any poor person of sane mind.

Confining the poor by chains or manacles unlawful.

[No. XXXII.] 58 G. III. c. 47.—An Act to Establish Fever Hospitals, and to make other Regulations for Relief of the suffering Poor, and for Preventing the Increase of Infectious Fevers in Ireland.—[30*th May* 1818.]

[No. XXXIII.] 59 Geo. III. c. 12.—An Act to amend the the Laws for the Relief of the Poor.—[31*st March* 1819.]

No. XXXIII. 59 Geo. III. c. 12.

FOR the better and more effectual execution of the laws for the relief of the poor, and for the amendment thereof; May it please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That it shall be lawful for the inhabitants of any parish, in vestry assembled, and they are hereby empowered, to establish a select vestry for the concerns of the poor of such parish; and to that end

Parishes empowered to establish select

No. XXXIII. 59 Geo. III. c. 12.

to nominate and elect, in the same or in any subsequent vestry, or any adjournment thereof respectively, such and so many substantial householders or occupiers within such parish, not exceeding the number of twenty nor less than five, as shall in any such vestry be thought fit to be members of the select vestry; and the rector, vicar, or other minister of the parish, and in his absence the curate thereof (such curate being resident in and charged to the poor's rates of such parish), and the churchwardens and overseers of the poor for the time being, together with the inhabitants who shall be nominated and elected as aforesaid (such inhabitants being first thereto appointed by writing under the hand and seal of one of his Majesty's justices of the peace, which appointment he is hereby authorized and required to make), shall be and constitute a select vestry for the care and management of the concerns of the poor of such parish; and any three of them (two of whom shall neither be churchwardens nor overseers of the poor) shall be a quorum; and when any inhabitant elected and appointed to serve in any such select vestry shall, before the expiration of his office, die or remove from the parish, or shall become incapable of serving, or shall refuse or neglect to serve therein, the vacancy which shall be thereby occasioned shall, as soon as conveniently may be, be filled up by the election and appointment, in manner aforesaid, of some other substantial householder or occupier of such parish, and so from time to time as often as any such vacancy shall occur; and every such select vestry shall continue and be empowered to act from the time of the appointment thereof until fourteen days after the next annual appointment of overseers of the poor of the parish shall take place, and may be from year to year, and in any future year, renewed in the manner herein-before directed; and every such select vestry shall meet once in every fourteen days, and oftener if it shall be found necessary, in the parish church, or in some other convenient place within the parish; and at every such meeting a chairman thall be appointed by the majority of the members present, who shall preside therein; and in all cases of equality of votes upon any question there arising, the chairman shall have the casting vote; and every such select vestry is hereby empowered and required to examine into the state and condition of the poor of the parish, and to inquire into and determine upon the proper objects of relief, and the nature and amount of the relief to be given; and in each case shall take into consideration the character and conduct of the poor person to be relieved, and shall be at liberty to distinguish, in the relief to be granted, between the deserving, and the idle, extravagant, or profligate poor; and such select vestry shall make orders in writing for such relief as they shall think requisite, and shall inquire into and superintend the collection and administration of all money to be raised by the poor's rates, and of all other funds and money raised or applied by the parish to the relief of the poor; and where any such select vestry shall be established, the overseers of the poor are required, in the execution of their office, to conform to the directions of the select vestry, and shall not (except in cases of sudden emergency or urgent necessity, and to the extent only of such temporary relief as each case shall require, and except by order of justices, in the cases herein-after provided for), give any further or other relief or allowance to the poor, than such as shall be ordered by the select vestry.

vestries for the concerns of the poor.

Constitution of select vestries.

Members elected to be appointed by a justice.

Vacancies to be supplied.

Continuance of select vestries.

Power of renewal.

Meetings and duties of select vestries.

Overseers (except in cases of emergency) to give no other relief than such as shall be ordered by the select vestry.

II. And be it further enacted, That when any complaint shall be made to any justice of the peace, of the want of adequate relief, by or on the behalf of any poor inhabitant of any parish, for which a select vestry shall be established by virtue of this Act, or in which the relief of the poor is or shall be under the management of guardians, governors, or directors, appointed by virtue of special or local Acts, such justice shall not proceed therein, or take cognizance thereof, unless it shall be proved on oath before him, that application for such relief hath been first made to and refused by the select vestry, or by such guardians, governors, or directors; and in such case the justice to whom the complaint shall be made may summon the overseers of the poor, or any of them, to appear before any two of his Majesty's justices of the peace, to answer the complaint; and if upon the hearing thereof it shall be proved on oath, to the satisfaction of the

Justices empowered to order relief in certain cases for a limited time.

justices who shall hear the same, that the party complaining, or on whose behalf the complaint shall be made, is in need of relief, and that adequate relief hath been refused by the select vestry, or by such guardians, governors, or directors, or that such select vestry shall not have assembled as by this Act directed, it shall be lawful for such justices to make an order, under their hands and seals, for such relief as they, in their just and proper discretion, shall think necessary (reference being also had by such justices to the character and conduct of the applicant); provided, that in every such order the special cause of granting the relief thereby directed shall be expressly stated, and that no such order shall be given for or extend to any longer time than one month from the date thereof: Provided that it shall be lawful for any justice to make an order for relief in any case of urgent necessity, to be specified in such order, so as such order shall remain in force only until the assembling of the select vestry of the parish, or of such guardians, governors, or directors, as aforesaid, to which such case shall relate.

One justice may order temporary relief, in cases of urgent necessity.

III. And be it further enacted, That every select vestry, to be established by the authority of this Act, shall cause minutes to be fairly entered in books, to be for that purpose provided, of all their meetings, proceedings, resolutions, orders and transactions, and of all sums received, applied, and expended by their direction; and such minutes shall from time to time be signed by the chairman, and shall, together with a summary or report of the accounts and transactions of the select vestry, be laid before the inhabitants of the parish in general vestry assembled, twice in every year; that is to say, in the month of *March* and the month of *October*, and at such other times as the select vestry shall think fit; and the minutes, proceedings, accounts, and reports of every select vestry, shall belong to the parish, and be preserved with the other books, documents, accounts, and public papers thereof.

Minutes to be kept of the proceedings of select vestries.

Minutes of select vestries, and reports of their proceedings, to be laid before the inhabitants in general vestry.

IV. Provided, and be it further enacted, That the churchwardens and overseers of the poor shall cause ten days notice, at the least, to be publicly given, in the usual manner, of every vestry to be holden for the purpose of establishing any select vestry, or of nominating and electing the members, or any member thereof, and of every vestry to be holden for the purpose of receiving the report of the select vestry; and every notice of any such vestry shall state the special purpose thereof.

Notice to be given of vestries for the establishment and election of members, and for receiving reports of select vestries.

V. And be it further enacted, That every order to be made, after the first day of *May* next, for the relief of any poor person, by the churchwardens and overseers of the poor of any parish not having a select vestry, under the authority of this Act, shall be made by two or more justices, who shall, in making every such order, take into their consideration the character and conduct of the person applying for relief; provided that in every such order the special cause of granting the relief thereby directed shall be expressly stated; and that no such order shall be given for or extend to any longer time than one month from the date thereof; Provided also, that in cases of emergency and urgent distress, it shall be lawful for one justice to order such relief as the case shall require, stating in his order the circumstances of the case; but no such last-mentioned order shall entitle any person to claim relief by virtue thereof more than fourteen days from the date of the order, nor shall the same have any force or effect after the next petty session to be holden within the hundred or other division or district in which the parish to which the same shall apply shall be situated.

Every order for relief, in parishes not having a select vestry, shall be made by two or more justices;

except in cases of emergency.

Limitation of order.

VI. And be it further enacted, That it shall be lawful for his Majesty's justices of the peace, in their respective special sessions, for the appointment of overseers of the poor, upon the nomination and at the request of the inhabitants of any parish in vestry assembled, to appoint any person who shall be assessed to the relief of the poor thereof, and shall be a householder resident within two miles from the church or chapel of such parish, or where there shall be no church or chapel, shall be resident within one mile from the boundary of such parish, to be an overseer of the poor thereof, although the person so to be appointed shall not be an householder within the parish of which he shall be so appointed an overseer of the

Power to appoint non-resident overseers.

No. XXXIII. 59 Geo. III. c. 12.

poor; and it shall be sufficient, in every such appointment, to describe the person appointed by his name and residence; provided that no person shall be appointed to, or be compellable to serve the office of overseer of the poor of any parish or place in which he shall not be a householder, unless he shall have consented to such appointment.

Assistant overseer may be appointed.

VII. And be it further enacted, That it shall be lawful for the inhabitants of any parish in vestry assembled, to nominate and elect any discreet person or persons to be assistant overseer or overseers of the poor of such parish, and to determine and specify the duties to be by them executed and performed, and to fix such yearly salary for the execution of the said office as shall by such inhabitants in vestry be thought fit; and it shall be lawful for any two of his Majesty's justices of the peace, and they are hereby empowered, by warrant under their hands and seals, to appoint any person or persons who shall be so nominated and elected to be assistant overseer or overseers of the poor, for such purposes, and with such salary, as shall have been fixed by the inhabitants in vestry; and such salary shall be paid out of the money raised for the relief of the poor, at such times and in such manner as shall have been agreed upon between the inhabitants in vestry and the respective persons so to be appointed; and every person to be so appointed assistant overseer shall be and he is hereby authorized and empowered to execute all such of the duties of the office of overseer of the poor as shall in the warrant for his appointment be expressed, in like manner and as fully, to all intents and purposes, as the same may be executed by any ordinary overseer of the poor; and every person or persons so appointed shall continue to be an assistant overseer of the poor until he or they shall resign such office, or until his or their appointment shall be revoked by the inhabitants of the parish in vestry assembled, and no longer; and it shall be lawful for the inhabitants of any such parish, upon the nomination and election by them of an assistant overseer or overseers, to require and take security for the faithful execution of his or their office, by bond, with or without a surety or sureties, and in such penalty as they shall think fit; and every such bond shall be made to the churchwardens and overseers of the poor, and may, on any breach of the condition thereof, be put in suit by and in the names of the churchwardens and overseers of the poor for the time being, by the direction of the vestry or select vestry, for the benefit of the parish, in the manner hereinafter provided.

Security may be taken.

Power to build or enlarge workhouses.

VIII. And be it further enacted, That in any parish not having a workhouse for the poor thereof, or where the workhouse shall be found insufficient or inconvenient, it shall be lawful for the churchwardens and overseers of the poor, by the direction of the inhabitants in vestry assembled, to erect and build in such parish a suitable workhouse, or to alter and enlarge any messuage or tenement belonging to such parish for that purpose, and to purchase or take on lease any ground within the parish for the purpose of such building, or for enlarging any such other messuage or tenement belonging to such parish for that purpose; or such churchwardens and overseers may and they are hereby authorized to add to and enlarge any such insufficient workhouse, as the inhabitants of the parish in vestry shall think fit and direct.

Workhouses insufficient may be sold.

IX. And whereas it would be advisable to enable parishes to sell and dispose of their present workhouses, or any other houses or tenements belonging to such parishes, in cases where the same are insufficient and incapable of being enlarged or used as workhouses, and to apply the produce thereof in aid of building new workhouses; be it therefore enacted, That it shall and may be lawful for the churchwardens and overseers of the poor of any parish, and they are hereby authorized, by the direction of the inhabitants in vestry assembled, and with the consent of two justices to be certified under their hands, to sell and dispose of any workhouse, or any other houses or tenements belonging to such parish which shall be found to be insufficient or unfit for the purpose, with the scite thereof, and the outhouses, offices, yards, and gardens thereto belonging, for the best price and prices that can be reasonably obtained, and to convey and assure the same to the purchaser or purchasers thereof, his, her, or their heirs and

assigns, or as he, she, or they shall direct, and to apply the produce of such sale, after deducting the reasonable expences thereof, towards the purchase or building of a new workhouse, or in or towards the payment of any money to be borrowed under the authority of this Act, as the inhabitants in vestry shall direct.

Where no poorhouse, &c. can be procured in the parish, adjoining parish may be resorted to.

X. And whereas there may be parishes in which no sufficient poorhouse or workhouse can be procured for the accommodation of the poor thereof; be it further enacted, That it shall and may be lawful for the churchwardens and overseers of the poor of every such parish, by the direction of the inhabitants thereof in vestry assembled, to purchase or hire any suitable and convenient house or houses, building or buildings, for that purpose, in any adjoining parish, with the consent of two or more justices, such consent to be written upon or annexed to the agreement for purchasing or hiring such house or houses, building or buildings: Provided always, That no such house or building shall be situate more than three miles from the parish for which the same shall be purchased or hired.

Which building, as to settlement, shall be in the parish so purchasing or hiring.

XI. And be it further enacted, That every house and building which shall be so purchased or hired, shall in all questions relative to the settlement of persons born or lodged therein, be deemed and taken to be a part of the parish on behalf of which the same shall be purchased or hired, and by which the same shall be used as a poorhouse or workhouse.

Parishes may provide land for the employment of the poor;

XII. And whereas by an Act passed in the forty-third year of the reign of Queen *Elizabeth*, the churchwardens and overseers of the poor are directed to set to work certain persons therein described: And whereas by the laws now in force sufficient powers are not given to the churchwardens and overseers, to enable them to keep such persons fully and constantly employed; be it further enacted, That it shall be lawful for the churchwardens and overseers of the poor of any parish, with the consent of the inhabitants thereof in vestry assembled, to take into their hands any land or ground which shall belong to such parish, or to the churchwardens and overseers of the poor of such parish, or to the poor thereof, or to purchase, or to hire and take on lease for and on account of the parish, any suitable portion or portions of land within or near to such parish, not exceeding twenty acres in the whole; and to employ and set to work in the cultivation of such land, on account of the parish, any such persons as by law they are directed to set to work, and to pay to such of the persons so employed as shall not be supported by the parish reasonable wages for their work; and the poor persons so employed shall have such and the like remedies for the recovery of their wages, and shall be subject to such and the like punishment for misbehaviour in their employment, as other labourers in husbandry are by law entitled and subject to.

not exceeding 20 acres:

And may let portions of land to poor inhabitants.

XIII. Provided, and be it further enacted, That for the promotion of industry amongst the poor, it shall be lawful for the churchwardens and overseers of the poor of any parish, with the consent of the inhabitants in vestry assembled, to let any portion and portions of such parish land as aforesaid, or of the land to be so purchased or taken on account of the parish, to any poor and industrious inhabitant of the parish, to be by him or her occupied and cultivated on his or her own account, and for his or her own benefit, at such reasonable rent, and for such term as shall by the inhabitants in vestry be fixed and determined.

Limiting the amount to be raised for buildings and the purchase of lands, &c.

XIV. Provided, and be it further enacted, That no sum exceeding the amount of a rate or assessment at one shilling in the pound upon the annual value of the property in any parish assessable to the rates for the relief of the poor, shall be raised, expended, or applied in any one year, in purchasing, building, and repairing any buildings or land by this Act authorized to be purchased, taken, built, or repaired, and in fitting up, preparing, and furnishing such buildings, and in stocking such land, or for any one or more of such purposes or objects, unless the major part of the inhabitants and occupiers assessed to the relief of the poor, in vestry assembled, shall consent thereto, nor until two-third parts in value of all the inhabitants and occupiers so assessed as aforesaid (whether present in vestry or not) shall have also signed their consent thereto in the vestry or parish book.

No. XXXIII. 59 Geo. III. c. 12.

Power to raise further sums by loans, or by the sale of annuities.

XV. And be it further enacted, That in every case where the inhabitants of any parish shall, in manner aforesaid, consent that a greater sum than the amount of a rate or assessment of one shilling in the pound will raise, shall be expended in one year for all or any of such purposes and objects, it shall be lawful for the churchwardens and overseers of the poor of such parish, with the consent of such majority as aforesaid of the inhabitants and occupiers thereof, to be given and signed in the manner hereinbefore directed (after the rate or rates at or amounting to one shilling in the pound shall have been actually levied and applied for such purposes or some of them), to raise any additional sum or sums, by loan, or by sale of an annuity or of annuities, or any life or lives, not being under the age of fifty years respectively, or for any certain term not exceeding fifteen years, so as the whole sum to be raised for all or any of such purposes by loan, and by the sale of annuities, or by either of such means, shall not be more than five shillings in the pound of or upon the true annual value of the property which shall in such parish be assessed to the poor's rates (every proposal for any such annuity being first stated to and approved by the inhabitants and occupiers of such parish in vestry assembled); and the churchwardens and overseers of the poor shall and they are hereby authorized, in the names and on the behalf of the inhabitants of the parish, to sign and execute securities for the money which shall be so borrowed, and for the annuities to be so granted; and by every such security to charge the produce of the future rates to be made for the relief of the poor of every such parish with the repayment of the principal sum which shall have been so borrowed, and the interest thereof, or with the payment of the annuity thereby granted (as the case may be), at and upon the days and times, and in such manner and proportions, as in and by the security for every such loan and annuity respectively shall be appointed and expressed for the payment thereof; and the money to be raised by such future rates shall be subject and liable to the payment of every such loan and the interest thereof, and of every such annuity accordingly.

Future rates charged with loans and annuities.

No greater rate than 1s. in the pound shall be charged on future rates, unless with consent of two-thirds in value of the proprietors of premises.

XVI. Provided nevertheless, and be it enacted, That no greater sum in the whole than the amount of a rate or assessment at one shilling in the pound, shall in any parish be charged upon the future rates thereof, unless two-third parts in value of the proprietors of messuages, lands, and tenements within such parish (whether for estates of freehold or copyhold, or by virtue of leases for terms of not less than fifteen years absolute or determinable upon a life or lives) shall have consented to raise the money for which the charge or security shall purport to be made; such consents to be given by writing under the hands of all persons and corporations sole, and the consent of every corporation aggregate under the hand of the president, head, or chief member thereof, for the time being, and the consents of femes covert, minors, insane persons, and persons out of the kingdom, by and under the hands of their respective husbands, guardians, committees, trustees, attornies or agents, who are respectively authorized to give such consents, and the consent of the major part of the trustees for any charitable or other purpose shall be sufficient in respect of the trust estates.

Churchwardens and overseers may take and sue as bodies corporate.

XVII. And be it further enacted, That all buildings, lands, and hereditaments, which shall be purchased, hired, or taken on lease by the churchwardens and overseers of the poor of any parish, by the authority and for any of the purposes of this Act, shall be conveyed, demised, and assured to the churchwardens and overseers of the poor of every such parish respectively, and their successors, in trust for the parish; and such churchwardens and overseers of the poor, and their successors, shall and may and they are hereby empowered to accept, take, and hold, in the nature of a body corporate, for and on behalf of the parish, all such buildings, lands, and hereditaments, and also all other buildings, lands, and hereditaments belonging to such parish; and in all actions, suits, indictments, and other proceedings for or in relation to any such buildings, land, or hereditaments, or the rent thereof, or for or in relation to any other buildings, lands, or hereditaments belonging to such parish, or the rent thereof, and in all actions and proceedings upon or in relation to any bond to be given for the faithful execution of the office of an assist-

ant overseer, it shall be sufficient to name the churchwardens and overseers of the poor for the time being, describing them as the churchwardens and overseers of the poor of the parish for which they shall act, and naming such parish; and no action or suit, indictment or other proceeding, shall cease, abate, or be discontinued, quashed, defeated, or impeded, by the death of the churchwardens and overseers named in such proceeding, or the deaths or death of any of them, or by their removal or the removal of any of them from, or the expiration of their respective offices.

Incapacitated persons empowered to convey. Powers and directions of 22 G. 3. c. 83. as to sales &c. applied to this Act.

XVIII. And it is hereby further enacted, That the clauses, powers, provisions, and directions contained in an Act passed in the twenty-second year of his present Majesty's reign, intituled, *An Act for the Relief and Employment of the Poor*, for the purpose of enabling bodies politic, corporate, trustees, guardians, and incapacitated persons, to contract for the sale of and to convey and lease lands, tenements, and hereditaments, for the purposes in that Act expressed, and for and with regard to the payment and application of the purchase money to be paid for the lands, tenements, and hereditaments to be purchased by virtue of the said Act, shall extend and be applied to all lands, tenements, and hereditaments, to be purchased, hired, or taken for the purposes and under the authority of this Act, and to the payment and application of the purchase money for the same, as fully and effectually, to all intents and purposes, as if such clauses, powers, provisions, and directions were herein repeated and contained, and were hereby expressly enacted and applied to lands and buildings to be purchased and taken on lease for any of the purposes of this Act.

Power to rate owners of certain houses instead of the occupiers.

XIX. And whereas in many parishes, and more especially in large and populous towns, the payment of the poor's rates is greatly evaded, by reason that great numbers of houses within such parishes are let out in lodgings, or in separate apartments, or for short terms, or are let out to tenants who quit their residences or become insolvent before the rates charged on them can be collected; and it hath been found, that in many instances the persons letting such houses do actually charge and receive much higher rents for the same, upon the ground and expectation that the occupiers thereof cannot be effectually assessed to the poor's rates, and will not be charged with or required to pay such rates, and do thus obtain an undue advantage to themselves, and by means of the premises the other inhabitants of such parishes are unjustly compelled to pay much more than their fair and due proportions of the charges of relieving and maintaining the poor; for remedy thereof be it further enacted, That from and after the first day of *January* one thousand eight hundred and twenty, it shall be lawful for the inhabitants of any parish, in vestry assembled, and they are hereby empowered, to resolve and direct, that the owner or owners of all houses, apartments, or dwellings in such parishes, being the immediate lessor or lessors of the actual occupier or occupiers, which shall respectively be let to the occupiers thereof at any rent or rate not exceeding twenty pounds, nor less than six pounds by the year, for any less term than one year, or on any agreement by which the rent shall be reserved or made payable at any shorter period than three months, shall be assessed to the rates for the relief of the poor, for or in respect of such houses, apartments, or dwellings, and the outhouses and curtilages thereof, instead of the actual occupiers; and the inhabitants so assembled in vestry may and they are hereby authorized from time to time to rescind, renew, vary, and amend every such resolution and direction as they shall see occasion, so as no such resolution or direction shall extend to assess or charge the owner of any house, apartment, or dwelling which shall with the outhouses and curtilages thereof be let at a greater rent than twenty pounds or less than six pounds as aforesaid; and the churchwardens and overseers of the poor of every such parish are hereby empowered and required to carry into effect all such resolutions and directions of the inhabitants in vestry assembled, and in pursuance and execution thereof, in all rates to be by them made for the relief of the poor, to assess by a fair and equal pound rate the owner or owners, being the immediate lessor or lessors of the actual occupier or occupiers, of every house, apartment, or dwelling to which such resolution and direction shall extend, for or in respect of the same, according to the actual rent at which

No. XXXIII. 59 Geo. III. c. 12.

every such house, apartment, or dwelling shall be let, after making a reasonable deduction from such rent, not exceeding in any case one-half of the same; and upon nonpayment of the sum or sums so to be assessed, the same may and shall be levied upon, and the payment thereof be enforced against, such owner and owners, lessor and lessors, so to be assessed, and his and their goods and chattels, in like manner as rates for the relief of the poor may by law be levied and recovered, and the payment thereof enforced, upon and against any actual occupier on whom the same are charged.

Goods of occupiers may be distrained for rates to the amount of the rent actually due.

XX. Provided also, and be it further enacted, That the goods and chattels of every occupier of any such house, apartment, or dwelling, which shall be found in and about the same, shall be liable to be distrained and sold for raising so much of any such rate or assessment being in arrear, as shall have become due during the occupancy of the person or persons whose goods and chattels shall be so distrained (to be ascertained in a summary way by the justices granting the warrant of distress), so that in no case any greater sum be raised by distress of the goods and chattels of any such occupier, than shall, at the time of making such distress, be actually due from such occupier for rent of the premises on which such distress shall be made: Provided also, that every occupier who shall pay any such rate or rates, or upon whose goods or chattels the same or any part thereof shall be levied, shall and may deduct the amount of the sum which shall be so paid or levied, out of the rent by him or them payable; and such payment shall be a sufficient discharge to every such occupier for so much of the rent payable by him as he shall have paid, or as shall have been levied on his goods and chattels, of such rate, and for the costs of levying the same.

Occupiers paying rates empowered to deduct the amount out of their rent.

Receivers in certain cases may be rated as owners.

XXI. Provided, and be it further enacted, That every person receiving or claiming the rent of any such house, apartment, or dwelling, for his or her own use, or receiving the same for the use of any corporation aggregate, or of any landlord or lessor who shall be a minor, under coverture, or insane, or for the use of any person who shall not be usually resident within twenty miles from the parish in which any such house, apartment, or dwelling shall be situated, shall for this purpose be deemed and taken to be and shall be rateable as the owner thereof.

Persons rated as owners may appeal;

and may vote in vestries.

XXII. Provided also, and be it further enacted, That every person to be rated as the owner of any such house, apartment, or dwelling, who shall think himself or herself aggrieved by any such rate, shall have such and the like remedy by appeal against the same, as any other person thereby rated; and every person so rated shall be entitled, as an inhabitant of the parish in and for which he shall be assessed, to be present and to vote in every vestry or meeting of the inhabitants thereof, for the execution of the laws for the relief of the poor, or for the consideration of any matter or question in relation thereto, in like manner as the inhabitants of the said parish.

No owner, not being an occupier, to be rated, in places where the right of voting for members to serve in Parliament depends on the rating.

XXIII. Provided, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to give any power or authority to assess the owner (not being the occupier) of any house, apartment, or dwelling, in any city, borough, or town corporate, in which the right of voting for the election of members to serve in Parliament shall depend upon the assessment of the voter to the poor's rate, or to vary or affect the manner of assessing and charging any of the inhabitants or occupiers of houses, lands or tenements, within any such city, borough, or town corporate.

Justices empowered, in certain cases, to deliver the possession of parish houses to overseers.

XXIV. And whereas difficulties having frequently arisen, and considerable expences have sometimes been incurred, by reason of the refusal of persons who have been permitted to occupy, or who have intruded themselves into parish or town houses, or other tenements or dwellings built or provided for the habitation of the poor, or otherwise belonging to such parishes, to deliver up the possession of such houses, tenements, or dwellings, when thereto required; and it is expedient to provide a remedy for the same; be it further enacted, That if any person who shall have been permitted to occupy any parish or town house, or any other tenement or dwelling belonging to or provided by or at the charge of any parish, for the habitation of the poor thereof, or who shall have unlawfully intruded him-

self or herself into any such house, tenement, or dwelling, or into any house, tenement, or hereditament belonging to such parish, shall refuse or neglect to quit the same, and deliver up the possession thereof to the churchwardens and overseers of the poor of any such parish, within one month after notice and demand in writing for that purpose, signed by such churchwardens and overseers, or the major part of them, shall have been delivered to the person in possession, or in his or her absence affixed on some notorious part of the premises, it shall be lawful for any two of his Majesty's justices of the peace, upon complaint to them made by one or more of the churchwardens and overseers of the poor of the parish in which any such house, tenement, or dwelling shall be situated, to issue their summons to the person against whom such complaint shall be made, to appear before such justices at a time and place to be appointed by them, and to cause such summons to be delivered to the party against whom the complaint shall be made, or in his or her absence to be affixed on the premises, seven days at the least before the time appointed for hearing such complaint; and such justices are hereby empowered and required, upon the appearance of the defendant, or upon proof on oath that such summons hath been delivered or affixed as is hereby directed, to proceed to hear and determine the matter of such complaint, and if they shall find and adjudge the same to be true, then by warrant under their hands and seals to cause possession of the premises in question to be delivered to the churchwardens and overseers of the poor of the parish, or to some of them.

Mode of proceeding.

XXV. And be it further enacted, That if any person to whom any land appropriated, purchased, or taken under the authority of this Act, for the employment of the poor of any parish, or to whom any other lands belonging to such parish, or to the churchwardens and overseers thereof, or to either of them, shall have been let for his or her own occupation, shall refuse to quit and to deliver up the possession thereof to the churchwardens and overseers of the poor of such parish, at the expiration of the term for which the same shall have been demised or let to him or her; or if any person or persons shall unlawfully enter upon, or take or hold possession of any such land, or any other land or hereditaments belonging to such parish, or to the churchwardens or overseers, or to either of them, it shall be lawful for such churchwardens and overseers of the poor, or any of them, after such notice and demand of possession as is by this Act directed in the case of parish houses, to exhibit a complaint against the person or persons in possession of such land, before two of his Majesty's justices of the peace, who are hereby authorized and required to proceed thereon, and to hear and determine the matter thereof, and if they shall find and adjudge the same to be true, to cause possession of such land to be delivered to the churchwardens and overseers of the poor, or some of them, in such and the like course and manner as are by this Act directed with regard to parish houses.

Justices empowered to deliver possession of land appropriated for the poor.

XXVI. And whereas by the said Act passed in the forty-third year of the reign of Queen *Elizabeth*, for the relief of the poor, it was enacted, that the father and grandfather, and the mother and grandmother, and the children of every poor, old, blind, lame, and impotent person, or other poor person, not able to work, being of a sufficient ability, shall at their own charges relieve and maintain every such poor person, in that manner and according to that rate as by the justices of the peace of that county where such sufficient persons dwell, or the greater number of them, at their general quarter session, shall be assessed: And whereas it is expedient ro extend the power which is by the said Act given to justices in their general quarter sessions, to justices in petty sessions: Be it further enacted, That it shall be lawful for any two or more of his Majesty's justices of the peace, for the county or other jurisdiction in which any such sufficient person shall dwell, and they are hereby empowered, in any petty session, to make such assessment and order for the relief of every poor, old, blind, lame, impotent, or other poor person not able to work, upon and by the father, grandfather, mother, grandmother, or child (being of sufficient ability) of every such poor person, as may by virtue of the said Act be made by the justices in their ge-

Justices in petty sessions empowered to order relief by parents, &c. as justices in quarter sessions by 43 Eliz. c. 2.

No. XXXIII. 59 Geo. III. c. 12.

neral quarter sessions; and that every such assessment and order of two or more justices in any petty sessions shall have the like force and effect as if the same were made by the justices in their general quarter sessions; and the disobedience thereof shall be punishable in like manner.

22 G. 3. c. 83. Cases in which relief may be ordered by incorporated parishes without previous application to the visitor.

XXVII. And whereas by the said Act passed in the twenty-second year of his present Majesty's reign, for the better relief and employment of the poor, it is enacted, with regard to parishes which have adopted the provisions thereof, and for which a visitor shall have been appointed, that no guardian of the poor shall be summoned to appear before any justice of the peace, upon complaint or application to such justice for the relief of any poor person, unless application shall have been first made by the person so complaining to the guardian, and upon his refusal of redress, to the visitor: And whereas in many cases, by reason of the absence of the visitor, or the distance of his residence, it may not be in the power of the complainant to make the application by the said Act required; for remedy thereof be it further enacted, That if it shall be made to appear to any justice to whom any such complaint or application for relief shall be made, that the visitor of the parish or united parishes from which relief shall be sought is absent from home, or is resident more than six miles from the place of abode of the complainant, and that application for relief hath been made to the guardian, and hath been refused, it shall be lawful for such justice to summon the guardian to appear before him to answer such complaint, and to proceed thereon and make such order therein as the case shall require, in like manner as in cases where application hath been made to the visitor in the manner by the said Act directed.

Examination of prisoners as to their settlements made evidence.

XXVIII. And be it further enacted, That it shall be lawful for any justice of the peace to take in writing the examination on oath of any person having a wife or child, who shall be a prisoner in any gaol or house of correction, or in the custody of the keeper of any such gaol or house of correction, or who shall be in the custody of any constable or other peace officer, by virtue of any warrant of commitment, touching the place of his or her last legal settlement; and such examination shall be signed by such justice taking the same, and shall be received and admitted in evidence as to such settlement before any justices, for the purpose of any order of removal, so long only as the person so examined shall continue a prisoner.

Overseers empowered in certain cases to give relief by way of loan only.

XXIX. And whereas it is expedient to discourage that reliance upon the poor's rates which frequently induces artisans, labourers, and others, to squander away earnings which would with suitable care have afforded sufficient means for the support of their families; be it further enacted, That whenever it shall appear to the justices, or to the general or select vestry, or to such guardians, governors, or directors as aforesaid, or to the overseers of the poor, to whom application shall be made for relief for any poor person, that he might, but for his extravagance, neglect, or wilful misconduct, have been able to maintain himself, or to support his family (as the case may be), it shall be lawful for the overseers of the poor (by the direction of the justices, or of the general or select vestry, or of such guardians, governors or directors, where application shall have been made to them respectively), to advance money weekly or otherwise, as may be requisite, to the person so applying, by way of loan only, and to take his receipt for, and engagement to repay every sum to be so advanced (for which no stamp duty shall be required); and it shall be lawful for any two justices, upon the application (within one year after any such loan or loans) of one or more of the overseers of the poor for the time being of the parish, to summon the person to whom any money shall have been so advanced; and if, upon examination by such justices into his circumstances, it shall appear to them that such person is able, by weekly instalments or otherwise, to repay the whole or any part of the money so advanced to him, and for which he shall have given any such receipt and engagement, it shall be lawful for such justices to make an order under their hands and seals for the repayment of the whole or of any part of such money, at such time and times and in such proportions and manner as they shall see fit; and upon every default of payment, by their warrant to commit such person to the common

gaol or house of correction, for any time not exceeding three calendar months, unless the sum and sums which shall be due and payable by virtue of such order shall be sooner paid.

Pensions for service in the navy, army, &c. may be assigned in certain cases for the indemnity of parishes.

XXX. And be it further enacted, That when any person entitled to or in receipt of any pension, superannuation, or other allowance, in respect of his service in the navy, royal marines, army, or ordnance, shall apply to any parish for relief, for himself, or for his wife or family, it shall be lawful for the churchwardens and overseers of the poor to require the pensioner or other person applying for relief, before the same shall be granted, to assign to them the next quarterly or other payment or allowance which shall become payable to him, to the intent that they may receive the same, and retain for the use of the parish so much thereof as shall have been by them advanced for the relief of such pensioner, or other person, or of his wife or family residing with him in such parish; and it shall also be lawful for the churchwardens and overseers of the poor of any parish, at the request of any person who shall be entitled to or in receipt of any such pension, superannuation, or other allowance, to advance for his support, or the support of his family, any weekly sum not exceeding the rate of his pension or allowance, to be repaid by and out of the next quarterly or other payment of such pension or allowance, and to take an assignment thereof by way of security for the money so to be advanced, any thing in any Act or Acts to the contrary notwithstanding; and every assignment to be made of any such pension, superannuation, or allowance, for the purposes of this Act, shall be exempt from stamp duty, and shall be in the form or to the effect following; that is to say,

Form of assignment.

'I [*naming the pensioner, or other applicant, and stating such particulars as shall be requisite*] do hereby assign to the churchwardens and overseers of the poor of the parish of the next payment of the pension, at the rate of *per diem* [*or, as the case may be*] granted to me as and payable from in order to secure the said parish of the repayment of the sum of advanced to me, [*or*, of the weekly sum of ordered or agreed to be advanced to me, *as the case may be*], by such churchwardens and overseers.

'Signed by the above-named
'before me, one of his Majesty's justices of the peace for
'this day of .'

The pension assigned to be paid to churchwardens, &c.

And every such assignment, attested by one of his Majesty's justices of the peace, of any quarterly or other payment payable by the commissioners for the affairs of the royal hospitals at *Chelsea* or *Greenwich*, or by the paymaster of the royal marines, or the treasurer of the board of ordnance respectively, and made as aforesaid to the churchwardens and overseers of the poor of any parish, shall be transmitted by such churchwarden or overseer, at least one month before such payment shall become due, under cover, addressed to the paymaster general of his Majesty's forces, with the words "*Chelsea* Pensioner" written thereon, or to the paymaster of pensions at *Greenwich* hospital, with the words "*Greenwich* Pensioner" written thereon, or to the paymaster of the royal marines, with the words "Royal Marines Pensioner" written thereon, or to the secretary to the board of ordnance, with the words "Ordnance Pensioner" written thereon; who shall thereupon respectively cause the said payment to be made to the churchwardens or overseers of the poor of the parish for whose security the assignment shall have been made, in the same manner as the said payment would have been made to the person assigning the same, if no such assignment had been made, and such churchwardens and overseers, or any one or more of them, are and is hereby authorized to receive the same, and to retain thereout for the use of the parish so much as shall have been advanced and paid on security thereof, and forthwith to pay the residue (if any there shall be) to the pensioner or person by whom such assignment shall have been made; and if any question shall arise between the pensioner or person making any such assignment and the churchwardens and

No. XXXIII. 59 Geo. III. c. 12.

overseers of the poor of any parish, touching the amount which shall be due and payable to them by virtue of any such assignment, the same shall be determined in a summary way by one of his Majesty's justices of the peace, and his order and determination therein shall be final and conclusive: Provided that no such assignment shall entitle the churchwardens and overseers to whom the same shall be made, to receive the pension or allowance purporting to be thereby assigned, if the party assigning the same shall die before the time when such pension or other allowance would have become payable to him if no such assignment thereof had been made.

Assignments of pensions to become void by the death of the pensioner before the day of payment.

XXXI. And be it further enacted, That when any pensioner, or other person entitled to or in receipt of any such pension or other allowance as aforesaid, shall leave his wife or family chargeable, or suffer them to become chargeable to any parish, it shall be lawful for two or more justices, upon complaint thereof to them made by any one or more of the churchwardens and overseers of the poor of such parish, and verified on oath, by order under their hands and seals to direct that the next payment which shall become due of such pension or other allowance shall be made to the churchwardens and overseers of the poor of the parish to which such wife or family shall have become chargeable; and any one or more of such churchwardens and overseers of the poor shall transmit such order to the aforesaid commissioners for the affairs of the royal hospitals at *Chelsea* or *Greenwich*, or the secretary of the board of ordnance respectively, in like manner as any assignment is herein-before directed to be transmitted to the paymaster general of his Majesty's forces, and the paymaster of pensions at *Greenwich*, the paymaster of the royal marines, and the secretary of the board of ordnance, as the case may be; which said paymaster general, or paymaster of pensions at *Greenwich*, or the treasurer of the board of ordnance, shall thereupon, and upon sufficient proof being given that the person whose pension or other allowance shall be directed to be paid shall have been living when the same shall become payable, and would have been entitled to receive the same if no such order had been made, cause the said payment to be made to the churchwardens and overseers of the poor of the parish for whose security such order shall have been made; and the churchwardens and overseers of the poor receiving any such pension or other allowance by virtue of any such order, shall retain and apply the same, or so much thereof as shall have been actually expended for the purposes aforesaid, for the use and indemnity of the parish, and shall pay the overplus (if any there shall be) to the pensioner or person entitled thereto; and upon the receipt of any such order as aforesaid, by which the pension or other allowance to be mentioned therein, shall be directed to be paid to such churchwardens and overseers as aforesaid, the payment thereof shall be suspended, until sufficient proof shall have been given to entitle the churchwardens and overseers of the poor of the parish, in such order named, to receive the money thereby directed to be paid to them.

Justices may order payment to overseers of the pensions &c. of persons leaving their families chargeable.

XXXII. And whereas in many instances the wives and families of seamen employed in the merchant service become chargeable to parishes, while their husbands and fathers are absent on such service, and it is expedient to provide for the indemnity of such parishes by and out of the wages of such seamen; be it therefore further enacted, That where the wife or family of any seaman employed in any voyage or trip (not being his Majesty's service), shall, during his absence on any such employment, become chargeable to any parish, it shall be lawful for two justices, upon complaint thereof to them made by any one or more of the churchwardens and overseers of the poor of such parish, and verified on oath, by order under their hands and seals, to direct the acting owner or owners, ship's husband, or agent of the ship or vessel in which such seaman shall be employed, to pay, out of the wages which shall become due to such seaman, unto the churchwardens and overseers of the poor of the parish to which his wife or family shall have become chargeable, so much as shall have been by such parish necessarily expended for the maintenance or relief (the amount, in case of any dispute, to be ascertained by two justices, whose determination thereon shall be final); and upon the production of any

Justices empowered to order payment of seamen's wages for the indemnity of parishes.

such order, the owner, ship's husband, or agent, by whom the wages of the seaman therein to be named shall be payable, shall pay to such one or more of the churchwardens and overseers of the poor of the parish for whose indemnity such order shall have been made, as shall demand the same, the sum and sums to be therein specified and directed to be paid, or so much thereof as the wages then due shall amount unto; and the payment to and receipt of any such churchwarden or overseer, shall be a good discharge for so much of such wages as shall be paid to them or him by virtue of any such order; and if any such owner, ship's husband, or agent shall refuse or neglect to pay to the churchwarden or overseer producing any such order, the money thereby directed to be paid, or so much thereof as shall be actually due for the wages of the seaman to be therein named, the same may be levied and recovered, and the payment thereof enforced, against the owner or owners, ship's husband, or agent, by whom the same shall be payable, in such and the like manner as poor's rates in arrear may be levied and recovered, and the payment thereof enforced, against the parties and persons chargeable and charged therewith: Provided always, that nothing herein contained shall authorise or compel the payment of any sum or sums of money by such acting owner or owners, ship's husband, or agent, until the voyage in which the vessel shall be so engaged shall be completed, nor beyond the sum that shall be then actually due to such seamen, by such acting owner or owners, ship's husband or agent, as wages or otherwise.

Power to remove chargeable poor born in Scotland, Ireland, &c. although they have not committed any act of vagrancy.

XXXIII. And whereas poor persons, born in *Scotland* and *Ireland*, and in the isles of *Man*, *Jersey*, and *Guernsey*, frequently become chargeable to parishes in *England*, and no provision is made for the removal of any such poor person, unless he or she shall have committed some act of vagrancy, and shall be adjudged to be a rogue and vagabond; and no person so adjudged can be lawfully removed without having been first publicly whipped or imprisoned in the house of correction: And whereas it is expedient to authorise the removal of such poor persons, although they may not have committed any act of vagrancy, and to authorise the justices of the peace to cause such of them as may be adjudged to be rogues and vagabonds, to be conveyed by a pass, without having been first whipped or imprisoned; be it therefore further enacted, That it shall be lawful for two justices of the peace, and they are hereby required, upon the complaint of the churchwardens and overseers of the poor of any parish, that any person born in *Scotland* or in *Ireland*, or in either of the isles of *Man*, *Jersey*, and *Guernsey*, hath become chargeable to such parish, by himself or herself, or his or her family, to cause such person to be brought before them, and to examine such person, and any other witness or witnesses, on oath, touching the place of the birth or last legal settlement of every such person, and to inquire whether he or she or any of his or her children, hath or have gained any settlement in that part of the united kingdom called *England*; and if it shall be found by such justices, that the person so brought before them was born in *Scotland* or *Ireland*, or in either of the isles of *Man*, *Jersey*, and *Guernsey*, and hath not gained any settlement in *England*, and that he or she hath actually become chargeable to the complaining parish, by himself or herself, or his or her family, then such justices shall and they are hereby empowered, by a pass under their hands and seals, in the form or to the effect prescribed by the Act passed in the seventeenth year of the reign of his late Majesty King *George* the Second, to amend the laws relating to rogues and vagabonds (*mutatis mutandis*), to cause such poor person, his wife, and such of his or her children so chargeable as shall not have gained a settlement in *England*, to be removed to the place of his or her birth or last legal settlement, in the manner by the said Act directed for the removal of rogues and vagabonds to *Scotland* and *Ireland*, and the isles of *Man*, *Jersey*, and *Guernsey*; and all constables and other officers, and all masters of vessels, are hereby required to convey every person so to be passed in the manner by the said Act directed for the conveyance of rogues and vagabonds.

17 G. 2. c. 5.

Scotch and Irish vagrants may be removed without

XXXIV. And it is hereby further enacted, That it shall be lawful for any justice of the peace, who shall adjudge any person born in *Scotland* or in *Ireland*, or in any of the isles of *Man*, *Jersey*, and *Guernsey*, (and not

No. XXXIII. 59 Geo. III. c. 12.

having gained a settlement in *England*) to be a rogue and vagabond, in his discretion and according to the circumstances of the case, either to order him to be whipped, or him or her to be imprisoned in the house of correction, as by the laws in being are directed, before he or she shall be removed, or to cause such rogue and vagabond to be removed without having been so whipped or imprisoned.

being whipped or imprisoned.

Justices to act within their respective jurisdictions.

XXXV. And be it further enacted, That all powers and authorities by this Act given to and vested in justices of the peace, shall be exercised and executed by such justices within the limits of their respective commissions and jurisdictions, and not elsewhere; and that all provisions, clauses, authorities, and directions in this Act contained, in relation to parishes, shall extend and be construed to extend to all townships, vills, and places having separate overseers of the poor, and maintaining their poor separately; and that all Acts and duties required or authorised by this Act to be done and executed by churchwardens and overseers of the poor, may in every parish be performed, exercised, and executed by the major part of the churchwardens and overseers of the poor thereof; and that in townships, vills, and places which have no churchwarden, the same may be performed, exercised, and executed by the overseers of the poor thereof, or the major part of them; and that all the powers, provisions, and clauses in this Act contained, which relate to vestries, or to the inhabitants of any parish in vestry assembled, shall be construed to extend to all meetings of the inhabitants of any township, vill, or place, having separate overseers of the poor, and maintaining its poor separately, to be held after due and legal notice for carrying into execution the laws for the relief of the poor, as fully as if in every such provision and clause they were severally and respectively named and repeated.

Provisions relating to parishes applied to townships, &c.

Majority to act.

Powers given to vestries applied to meeting of townships, &c.

Saving powers of 22 G. 3. c. 83. where the provisions are adopted.

XXXVI. Provided, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, abridge, alter, prejudice, or affect, further than is hereby expressly enacted, any of the powers, directions, provisions, or regulations contained in the said Act passed in the twenty-second year of his present Majesty's reign, for the better relief and employment of the poor, in or with respect to such parishes, townships, and places as have adopted, or as shall adopt and become subject to the provisions of that Act; nor to take away, abridge, alter, prejudice, or affect any of the powers or provisions of any special or local Act or Acts, for the maintenance, relief, or regulation of the poor, in any city, town, hundred, district, parish, or place, so nevertheless that in every city, town, hundred, district, parish, or place, such of the clauses, directions, and powers in this Act contained, as are not repugnant to, nor incompatible with, the provisions of the said Act of the twenty-second year of his Majesty's reign, or of such respective special or local Acts, shall have the like force and effect, and may be adopted and applied in like manner, as in other parishes and places: Provided also, that nothing in this Act contained shall extend or be construed to alter, affect, or disturb any select vestry which in any parish has been established and acted upon by virtue of any ancient usage or custom.

Saving powers given by special acts.

Select vestries.

Act extends to England only.

XXXVII. And be it further enacted, That this Act shall extend only to that part of the united kingdom called *England*.

[No. XXXIV.] 59 George III. c. 50.—An Act to amend the Laws respecting the Settlement of the Poor, so far as regards renting Tenements.—[2d *July*, 1819.]

No. XXXIV. 59 Geo. III. c. 50.

WHEREAS many disputes and controversies have arisen respecting the settling of poor people, in parishes in *England*, by the renting of tenements; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act no person shall acquire a settlement in any parish or township maintaining its own poor in *England*, by or by reason of his or her dwelling for forty days in any tenement

Settlement shall not be acquired by renting any te-

rented by such person, unless such tenement shall consist of a house or building within such parish or township, being a separate and distinct dwelling-house or building, or of land within such parish or township, or of both, *bonâ fide* hired by such person at and for the sum of ten pounds a year at the least, for the term of one whole year; nor unless such house or building shall be held, and such land occupied, and the rent for the same actually paid, for the term of one whole year at the least, by the person hiring the same; nor unless the whole of such land shall be situate within the same parish or township as the house wherein the person hiring such land shall dwell and inhabit; any thing in any Act or Acts, or any construction of or implication from any Act or Acts, or any usage or custom to the contrary in anywise notwithstanding.

No. XXXIV. 59 Geo. III. c. 50.

nement, except a house or land in the parish of the annual value of 10l. hired and rented for a year.

[No. XXXV.] 59 George III. c. 95.—An Act for confirming ancient Separations of Towns-Corporate from Parishes, in regard to the Maintenance of the Poor.—[12th *July*, 1819.]

No. XXXV. 59 Geo. III. c. 95.

WHEREAS various towns corporate or franchises situate within one or more parish or parishes, and not co-extensive with the said parish or parishes, have heretofore and for a long time past been separately assessed from the parish or parishes in which they are situate, for the relief of the poor, and overseers of the poor for such town or franchise have been appointed distinct and apart from the overseers of the poor appointed for such parish or parishes: And whereas such separate and distinct assessments and appointments of overseers have, in many cases, been made without sufficient authority, and yet, by reason of the long continuance of the said separation, the towns-corporate or franchise cannot now be re-united to the parish or parishes in which they are situate without manifest inconvenience and hardship: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act all such separation of towns-corporate or franchises from the parish or parishes in which they are situate, together with the separate and distinct appointment of overseers of the poor, shall be deemed and taken to be lawful to all intents and purposes whatsoever, in the same manner as if the said separation or division had taken place under the authority of an Act made in the forty-third year of the reign of Queen *Elizabeth*, intituled, *An Act for the Relief of the Poor:* Provided always nevertheless, that nothing in this Act contained shall render legal or confirm any separation of a town-corporate or franchise from the parish or parishes in which such town-corporate or franchise is situate, in respect to the maintenance of the poor or the appointment of overseers of the poor, in any case where it shall appear that such separation has commenced within sixty years before the passing of this Act.

Separations of towns from parishes, and distinct appointment of overseers, lawful.

43 Eliz. c. 2.

But with respect to the poor, such separation must have commenced within 60 years.

[No. XXXVI.] 59 George III. c. 137.—An Act to enable the Directors of the Poor of the several Parishes within the City of *Worcester*, and of the Parishes united therewith, to sell and dispose of certain Lands discharged of all claims of the Crown, in respect of any Forfeiture incurred under the Statutes of Mortmain.—[13th *July*, 1819.]

[No. XXXVII.] 1 George IV. c. 49.—An Act to amend the Laws relating to the House of Industry in *Dublin*. [15th *July*, 1820.]

[No. XXXVIII.] 1 & 2 George IV. c. 56.—An Act to amend

an Act, passed in twenty-second year of his late Majesty, for the better Relief and Employment of the Poor.—[23d *June*, 1821.]

No. XXXVIII. 1 & 2 G. IV. c. 56.

22 G. 3. c. 83.

WHEREAS an Act was passed in the twenty-second year of the reign of his late Majesty King *George* the Third, intituled, *An Act for the better Relief and Employment of the Poor:* And whereas doubts have arise whether the guardians, or visitor and guardians of the poor, acting under the authority of the said Act, can make effectual sales of houses and other buildings, with the land, yards, and gardens belonging thereto or held with the same, and give effectual discharges for, and make due application of the purchase money, and also whether an omission to appoint guardians in any year invalidates the appointment of guardians in any subsequent year; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That it shall and may be lawful for the guardians, or the visitor and guardians for the time being, of the poor of any parish, township, or place, or of several united parishes, townships, or places, which hath or have adopted, or shall hereafter adopt the provisions of the said recited Act, or the major part or number of such acting guardians, and jointly with the visitor, if any, for the time being (notwithstanding any omission to appoint guardians in each successive year, and also notwithstanding any informality in the appointment of any such visitor or guardians), and they are hereby authorised, under the order and direction of the inhabitants of any such parish, township, or place, or each of several such united parishes, townships, or places, in vestry assembled, and with the consent of two justices acting in and for the county, division, city, borough, or place, or several counties, divisions, cities, boroughs, or places, within which such parish, township, or place, or several parishes, townships, or places, shall be situate, to sell and dispose of any workhouse or other houses, tenements, and buildings, outhouses, offices, yards, gardens, orchards, lands, and grounds, with their appurtenances, which may have been purchased or erected by or on behalf of such parish, township, or place, or several united parishes, townships, or places, for the purposes and under the authority of the said Act, and the fee-simple and inheritance thereof, or any other estate or interest therein; and by bargain and sale to convey and assure the same unto the purchaser or purchasers thereof respectively, and his, her, and their respective heirs, executors, administrators, and assigns, or as he or they shall direct, and to give and sign receipts for the purchase money, which receipts shall be effectual discharges to the purchaser or purchasers, and his, her, or their respective heirs, executors, administrators, and assigns, without any obligation on him, her, or them to see to the application of his, her, or their purchase money; and from and after every such sale, the workhouse or other houses, tenements, and buildings, outhouses, offices, yards, gardens, orchards, lands, and grounds, with their appurtenances, so sold, shall be discharged from all the trusts and purposes of the said recited Act.

Power given to guardians to sell poor-houses and lands.

Application of money to arise by such sale.

II. And be it further enacted, That a competent part of the money arising from every such sale shall be applied in defraying the expences attending the sale, and in or towards discharging any incumbrances affecting the said workhouse, or other houses, tenements, and buildings, outhouses, offices, yards, gardens, orchards, lands, and grounds respectively, and any debts which may have been contracted by the guardians, or visitor and guardians of such parish, township, or place, or united parishes, townships, or places respectively, by way of charge on the poor's rates or otherwise; and the residue of any such money shall be paid by such guardians, or visitor and guardians, to the churchwardens and overseers for the time being of such parish, township, or place, or several united parishes, townships, or places respectively, in the like shares or proportions as they contributed towards the purchase or erection of the workhouse, or other houses, tenements, and buildings, outhouses and offices, yards, gardens, orchards, lands, and grounds respectively, which shall be so sold, and be applied by such churchwardens and overseers of the poor respectively, as

part of the rates to be collected for the relief of the poor of the same parish, township, or place, or several parishes, townships, or places respectively.

No. XXXVIII. 1&2 Geo. IV. c. 56.

[No. XXXIX.] 6 Geo. IV. c. 57.—An Act for the Amendment of the Law respecting the Settlement of the Poor, as far as regards renting Tenements and paying Parochial Taxes.—[22d *June* 1825.]

No. XXXIX. 6 Geo. IV. c. 57.

WHEREAS the settlement of the poor has been made, in some instances, to depend upon the annual value of tenements which they may have rented, or upon the annual value of tenements in virtue of which they have paid parochial rates: And whereas the ascertaining such value, in such respective cases, has given rise to very expensive litigation: And whereas doubts have been entertained, whether an Act made in the fifty-ninth year of King *George* the Third, intituled *An Act to amend the Laws respecting the Settlement of the Poor, as far as regards renting Tenements*, has been effectual for the purpose of altering the law in respect of the necessity of proving the annual value of tenements so rented; and it is expedient that further provision be made relating thereto: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act, the said recited Act of the fifty-ninth year of the reign of King *George* the Third, intituled *An Act to amend the Laws respecting the Settlement of the Poor, so far as regards renting Tenements*, shall be and the same is hereby repealed.

59 G. 3. c. 50.

59 G. 3. c. 50. regarding Tenements for Settlement of the Poor repealed.

II. And be it further enacted by the authority aforesaid, That no person shall acquire a settlement in any parish or township maintaining its own poor, by or by reason of settling upon renting or paying parochial rates for any tenement, not being his or her own property, unless such tenement shall consist of a separate and distinct dwelling-house or building, or of land, or of both, *bonâ fide* rented by such person, in such parish or township, at and for the sum of ten pounds a year at the least, for the term of one whole year; nor unless such house or building or land shall be occupied under such yearly hiring, and the rent for the same, to the amount of ten pounds, actually paid, for the term of one whole year at the least: Provided always, that it shall not be necessary to prove the actual value of such tenement; any thing in any Act or Acts, or any construction of or implication from any Act or Acts, or any usage or custom to the contrary notwithstanding.

What shall be deemed acquiring a Settlement.

PART VI.—CLASS XXIX.

RIVERS AND NAVIGATION.

[No. I.] 19 George II. c. 22.—An Act for the better Preservation of Havens, Roads, Channels, and navigable Rivers, within that Part of *Great Britain* called *England*.*

[Repealed.]

* Loading into a hopper with intent to be carried out to and discharged at sea, is an offence against this Act, which provides that ballast, &c., shall not be thrown but upon the land; Brucklesbank *v*. Smith, 2 Bur. 656.

[No. II.] 54 George III. c. 159.—An Act for the better Regulation of the several Ports, Harbours, Roadsteads, Sounds, Channels, Bays, and Navigable Rivers, in the United Kingdom; and of His Majesty's Docks, Dock Yards, Arsenals, Wharfs, Moorings, and Stores therein; and for repealing several Acts passed for that Purpose.—[29th *July* 1814.]

No. II. 54 Geo. III. c. 159.

WHEREAS an Act passed in the nineteenth year of the reign of his late Majesty King *George* the Second, intituled, *An Act for the better Preservation of Havens, Roads, Channels, and Navigable Rivers, within that Part of* Great Britain *called* England: And whereas another Act passed in the ninth year of the reign of his present Majesty, intituled *An Act for repealing so much of an Act, passed in the Tenth Year of her late Majesty Queen* Anne, *as relates to the Harbour Moorings of the Royal Navy, and for the more effectual Preservation of such Harbour Moorings, and Punishment of Persons guilty of stealing or embezzling His Majesty's Naval Stores, or of Forgery or Perjury in relation to Seamen's Wages*: And whereas another Act passed in the fifty-first year of the reign of his present Majesty, intituled, *An Act for the better Security of his Majesty's Naval Arsenals in the River* Medway, *and* Portsmouth *and* Hamoaze *Harbours, and of His Majesty's Ships and Vessels lying at and resorting to the same*: And whereas the provisions of the said several recited Acts have not been found adequate to the purposes for which the same were made; and therefore it is expedient that so much of the said recited Act of the ninth year of the reign of his present Majesty, as relates to the harbour moorings of the royal navy, and also so much of the said Act of the tenth year of the reign of her late Majesty Queen *Anne*, as relates to the said harbour moorings, should be repealed, and other and more effectual provisions made in lieu thereof; and also, that the said recited Act of the nineteenth year of the reign of his late Majesty King *George* the Second should be extended as herein-after mentioned; and also, that the said recited Act of the fifty-first year of the reign of his present Majesty should be repealed; and that

19 G. 2. c. 22.
9 G. 3. c. 30.
51 G. 3. c. 73.

No II. 54 Geo. III. c. 159.

So much of 9 G. 3. c. 30. as relates to the harbour moorings of the navy, and also so much of 10 A. c. 17. as relates to the said harbour moorings, and 51 G. 3. c. 73. repealed.

such further and other provisions should be made as herein-after mentioned, for the better regulation and protection of the several ports, harbours, havens, roads, roadsteads, sounds, channels, creeks, bays, and navigable rivers in the United Kingdom, and of his Majesty's docks, dock-yards, arsenals, wharfs, moorings, and stores therein: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act, so much of the said recited Act of the ninth year of the reign of his Majesty, as relates to the harbour moorings of the royal navy; and also so much of the said Act of the tenth year of the reign of her late Majesty Queen *Anne*, as relates to the said harbour moorings; and also that the said recited Act of the fifty-first year of the reign of his present Majesty, shall be and the same are hereby respectively repealed.

Admiralty may establish regulations for the preservation of the King's moorings, and for mooring merchant ships.

II. And be it further enacted, That it shall be lawful for the lord high admiral, or three or more of the commissioners for executing the office of lord high admiral of the United Kingdom of *Great Britain* and *Ireland* for the time being, and he and they is and are hereby authorized and empowered, from time to time as occasion shall require, to make such rules orders and regulations, in writing under his or their respective hand or hands, or the hand of his or their secretary, as he or they shall think proper for the preservation of his Majesty's moorings, and for the mooring anchoring and placing of all private ships of war, transports, and all other private and merchant ships and vessels, lighters, barges, boats, and other craft whatsoever, in all the ports, harbours, havens, roads, roadsteads, sounds, channels, creeks, bays, and navigable rivers of the United Kingdom, so far as the tide flows and reflows, where or near to which his Majesty now hath, or where his Majesty, his heirs, or successors may at any time or times hereafter have any docks, dock-yards, arsenals, wharfs, or moorings, and harbour masters to be appointed as herein-after mentioned, for superintending the same for the purpose of insuring free and safe ingress, egress, and regress unto, into, to, and from the said ports, harbours, havens, roads, roadsteads, sounds, channels, creeks, bays, and navigable rivers, and to and from his Majesty's said docks, dock-yards, arsenals, wharfs, and moorings therein; and for that purpose to order and direct such spaces along the sides of, over, against, or near to such docks, dock-yards, arsenals, wharfs, and moorings, as they shall judge necessary to be kept free and open, and to cause the same to be marked out by piles, buoys, or other sufficient marks, and to order and direct what spaces and distances shall be appropriated to and for the sole use and purpose of moorings, for his Majesty's ships and vessels of war and hired armed ships or vessels in his Majesty's service; and also to specify the distances from his Majesty's docks, dock-yards, arsenals, wharfs, moorings, ships, and hulks, within which no private ship of war, transport, or any other private or merchant ship or vessel, lighter, barge, boat, or other craft whatever, shall be moored, anchored, or placed, and for all and every or any other the purposes herein-after mentioned, and from time to time to vary and alter such rules, orders, and regulations, as occasion shall require for the purposes aforesaid; and also from time to time to appoint proper persons, to be called *the King's harbour masters*, to superintend such ports, harbours, havens, roads, roadsteads, sounds, channels, creeks, bays, and navigable rivers, for the purposes aforesaid, and to enforce obedience to all such rules, orders, and regulations; all which said rules, orders, and regulations, shall, upon the making thereof, and also from time to time whenever the same shall in any manner be varied or altered, be forthwith printed and published in *The London Gazette*, and being also printed and put upon pasteboard shall be constantly kept hung up in some open and conspicuous part of the Custom-house, or other place of public resort for business in the port, harbour, or haven, for which the same shall be made, or where the same shall be directed to be in force, to the intent that the same may be seen and read, and copies or extracts taken therefrom by all persons interested therein.

III. And be it further enacted, That if any private ship of war, transport, or other private or merchant ship or vessel, lighter, barge, boat, or other craft whatsoever, for which no licence so to do shall have been first obtained in writing under the hand of any commissioner of the navy, port admiral, or other person who shall be duly authorized by the said lord high admiral, or three or more of the said commissioners for executing the office of lord high admiral aforesaid, to grant such licences, for the time and purpose to be therein particularly specified, shall, unless forced thereto by stress of weather or other unavoidable accident, be moored or fastened to any of his Majesty's moorings, chains, anchors, buoys, piles, ships, or hulks, or shall in any manner be moored, anchored or placed within any such distances so to be appropriated as aforesaid to and for the sole use and purpose of moorings for his Majesty's ships or vessels of war, or hired armed ships or vessels in his Majesty's service, or within any such distance, so to be specified as aforesaid, from his Majesty's docks, dock yards, arsenals, wharfs, moorings, ships, or hulks, or within any such spaces so to be directed to be kept open as aforesaid, or in the fair way or channel or across the stream in any such port, harbour, haven, or navigable river, so as to obstruct the passage or entrance into the same; the master or other person then on board, and having the charge or command of any such ship or vessel, lighter, barge, boat, or other craft; and in case the proper master of any such ship or vessel, lighter, barge, boat, or other craft so being moored, fastened, anchored, or placed, shall not happen to be then on board the same, then the owner or owners thereof, whether he, she, or they shall happen to be then on board the same or not; shall forfeit and pay a sum not exceeding the sum of ten pounds, for each and every tide which such ship or vessel, lighter, barge, boat, or other craft, shall stay and remain so moored, anchored, or placed.

No private ship to fasten to his Majesty's moorings.

Penalty.

IV. And for the prevention of any damage which might otherwise be occasioned to his Majesty's moorings, chains, anchors, buoys, piles, ships, or hulks, and also for the prevention of delay in the public service; be it enacted, That in case the owner, master, or other person on board, for the time being having the charge or command of any private ship of war, transport, or other private or merchant ship or vessel, lighter, barge, boat, or other craft, which shall be moored or fastened to any of his Majesty's moorings, chains, anchors, buoys, ships, or hulks, or which shall in any manner be moored, anchored, or placed within any such distance as aforesaid, so to be appropriated to and for the sole use and purpose of moorings for his Majesty's ships or vessels of war, or hired armed ships or vessels in his Majesty's service, or within any such distance so to be specified as aforesaid from his Majesty's docks, dock yards, arsenals, wharfs, moorings, ships or hulks, or within any such spaces so to be directed to be kept open as aforesaid, or in the fair way or channel of or across the stream in any such port, harbour, haven, or navigable river, so as to obstruct the passage or entrance into the same, shall neglect or refuse to unmoor, and to remove any such ship or vessel, lighter, barge, boat, or other craft, which shall be moored, anchored, or placed as aforesaid, out of and beyond such spaces and distances as aforesaid, and also out of such fair way, channel, or stream as aforesaid, for the space of one hour next after notice to him or them given in writing, or left on board such ship or vessel, lighter, barge, boat, or other craft, for that purpose, by one of his Majesty's naval or dock yard officers; that then it shall be lawful for any person so to be appointed harbour master as aforesaid, and also for any officer belonging to any of his Majesty's ships or vessels of war, docks, dock yards or arsenals, for any person or persons acting in his or their aid or assistance, and he and they is and are hereby authorized and empowered to unmoor such ship or vessel, lighter, barge, boat, or other craft, and also to remove the same to some proper place out of and beyond such spaces and distances as aforesaid, and also out of such fair way, channel, or stream; and every such owner, master, or other person, so neglecting and refusing as aforesaid, shall for every such offence forfeit and pay the further sum of ten pounds.

Power to remove private ships.

Penalty for neglect, 10*l*.

No. II.
54 Geo. III.
c. 159.

Notice to be given when his Majesty's moorings are hooked.

V. And whereas it sometimes happens that his Majesty's mooring anchors are hooked by the anchors of private ships of war, transports, and other private and merchant ships or vessels by accident, and without the default of the owners, masters, or other persons having the charge or command thereof; but great danger and damage are and may be occasioned by unhooking the same, or by leaving the anchors of such moorings in an unsafe manner, or in an improper place; for prevention thereof, be it enacted, That whenever any private ship of war, transport, or other private or merchant ship or vessel, shall in any manner, either by accident or otherwise, hook any of his Majesty's moorings, the owner, master, or other person having the charge or command of such ship or vessel, shall not proceed to unhook the same, under the penalty of ten pounds, to be paid by every such owner, master, or other person; but shall forthwith give notice thereof to the King's harbour master, commissioner of the navy, or other chief officer of his Majesty's dock yard or naval yard, whichever shall be nearest to the place where the same may happen, in order that full and effectual aid and assistance may be forthwith given, for the purpose of clearing such private ship of war, transport, or other private or merchant ship or vessel, from such moorings, without damage to the same; for which said aid and assistance, every such master, owner, or other person, shall pay such reasonable sum of money, not exceeding five pounds, as shall be adjudged in a summary way, by any commissioner of the navy or justice of the peace, to be recovered in the same manner as any penalty or forfeiture is by this Act directed to be recovered, and with such power of commitment, on non-payment thereof, as in cases of penalties and forfeitures under this Act.

Places to be appointed for breaming ships; and for leaving and receiving gunpowder.

VI. And be it further enacted, That it shall and may be lawful to and for the said Lord High Admiral, or three or more of the commissioners for executing the office of Lord High Admiral aforesaid for the time being, and he and they is and are hereby authorized and empowered, from time to time, by order or notice in writing under his or their respective hand or hands, or the hand of his or their secretary, to prohibit the breaming of any ships or vessels, lighters, barges, boats, or other craft, at any place or places on shore, where it may to them seem proper and necessary to prohibit the same, and also to order at what place or places, within or near all or any of such ports, harbours, havens, roads, roadsteads, sounds, channels, creeks, bays, and navigable rivers in this kingdom as aforesaid, no private ships of war, transports, or other private or merchant ship or vessel, lighter, barge, boat, or other craft shall come, or be laden with or having on board thereof any quantity or quantities of gunpowder, exceeding five pounds weight in the whole; and also to appoint fit and proper places, either afloat or on shore, where all gunpowder, exceeding five pounds weight in the whole, shall and may be left and deposited, by and from, or taken and received into, any such ships or vessels, lighters, barges, boats, or other craft; all which orders, notices, and appointments of such places shall be notified in the *London Gazette*; and that the master general or principal officers of his Majesty's ordnance, or any three of them for the time being, shall appoint fit and proper persons there, to take and receive, and also to give and deliver out all such gunpowder, and upon the taking in thereof to give receipts for the same, and also to grant a certificate to any such owner, master, or other person, of his having left and deposited all such gunpowder, and having made and signed a declaration in writing under his hand, of his having so done, and that neither he nor any other person or persons, to his knowledge or belief, had any gunpowder, exceeding five pounds in weight in the whole, then on board such ship or vessel, lighter, barge, boat, or other craft, as the case may require; which declaration every such master, owner, or other person is hereby required to make, as the case may require, and for which said certificate the sum of one shilling, and no more, shall be paid; and every such person so to be appointed as aforesaid, shall be accountable to the owner or owners of all such gunpowder for the same, and shall deliver the same to such owner or owners thereof upon demand, on being paid such reasonable sum of money for warehouse room, in proportion to the quantity of such gun-

powder, and the time for which the same shall have been kept, as shall be ascertained and fixed, either by the said Lord High Admiral, or three or more of the commissioners for executing the office of Lord High Admiral aforesaid, or by the master general and principal officers of his Majesty's ordnance, or any three or more of them, by any rule, order, or regulation, to be made in that behalf; and that no ship or vessel having or having had any such quantity of gunpowder on board, shall be allowed to clear at the custom house in any port where there shall be any such place so to be appointed as aforesaid, without producing and leaving such certificate, together with the christian and surname of the pilot (if any) who piloted such ship or vessel into such port, at the custom house of such port; and all and every owner, master, pilot, or other person having the charge or command of any private ship of war, transport, or other private or merchant ship or vessel, lighter, barge, boat, or other craft, which shall come, arrive, or be (except in cases of stress of weather) within any of the distances so to be specified as aforesaid, having on board thereof any quantity or quantities of gunpowder exceeding five pounds weight together in the whole, or which, having come in under stress of weather, shall not unship and deliver all such gunpowder within the space of twenty-four hours next after the ceasing of such weather (and thereof forthwith give notice at the custom house to excuse the production of such certificate), shall forfeit and pay the sum of five pounds, for each and every five pounds weight of gunpowder which shall be found or which shall have been on board any such ship or vessel, lighter, barge, boat, or other craft, within any of the distances so to be specified as aforesaid, and so in proportion for any greater or less quantity; and every such pilot, who shall wilfully and knowingly offend in the premises, and shall be thereof lawfully convicted, shall for ever thereafter be rendered incapable of acting as a pilot.

Penalty.

VII. And be it further enacted, That no private ship of war, transport, or other private or merchant ship or vessel, lighter, barge, boat, or other craft whatever, shall be breamed afloat in any of the ports, harbours, or havens, or other places of this kingdom, for which any such rules, orders, or regulations, shall be made as aforesaid, upon pain that every person offending therein shall for every such offence forfeit and pay the sum of five pounds; and that no fire shall be kept on board of any such ship or vessel, lighter, barge, boat, or other craft, in any such port, harbour, or haven, between the hours of eleven in the evening and five in the morning, from the first day of *October* to the thirty-first day of *March* inclusive; nor between the hours of eleven in the evening and four in the morning, from the first day of *April* to the thirtieth day of *September* inclusive, in every year; upon pain that every owner, master, or other person, having the charge or command of any such ship or vessel, lighter, barge, boat, or other craft, shall for every such offence forfeit and pay the sum of five pounds; and that no pitch, tar, rosin, turpentine, grease, tallow, oil, or any other combustible matter whatsoever, shall be boiled or heated on board any such ship or vessel, lighter, barge, boat, or other craft whatsoever, within the distance of two hundred and fifty yards from any of his Majesty's ships or vessels of war, or hired armed ships or vessels in his Majesty's service, in any ports, harbours, havens, roads, roadsteads, creeks, sounds, bays, or navigable rivers, as aforesaid, where the same may happen to be; nor within the distance of two hundred and fifty yards from any of his Majesty's docks, dock yards, arsenals, or wharfs, upon pain that every owner, master, or other person, having the charge or command of any such ship or vessel, lighter, barge, boat, or other craft, shall for every such offence forfeit and pay the sum of five pounds.

Penalty on breaming ships, except at appointed places.

VIII. And be it further enacted, That if any owner, master, or other person, having the charge or command of any private ship of war, transport, or other private or merchant ship or vessel whatsoever, shall, while such ship or vessel shall lie or be in any of such ports, harbours, havens, roads, roadsteads, sounds, channels, creeks, bays, and navigable rivers, within the united kingdom as aforesaid, keep any gun or guns of and belonging to such ship or vessel shotted or loaded with ball, or shall fire or

Penalty on keeping guns shotted.

No. II. 54 Geo. III. c. 159.

discharge or cause or permit to be fired or discharged any gun or guns on board such ship or vessel lying therein, before sun-rising or after sun-setting, every such owner, master, or other person as aforesaid, shall, for every such gun so kept shotted or loaded, forfeit the sum of five shillings, and for every gun so fired or discharged, the sum of ten shillings.

Power to enter private ships to search for gunpowder, &c.

IX. And for the better discovery of the offenders against this Act, and for the purpose of bringing them to punishment, be it further enacted, That it shall and may be lawful to and for any such harbour master, and also for any officer belonging to any of his Majesty's ships or vessels of war, docks, dock yards, or arsenals, and also for any person or persons in their or any or either of their aid or assistance, at any hour betweeen sun-rising and sun-setting, to go and enter into and on board of any such ship or vessel, lighter, barge, boat, or other craft, in order to search for gunpowder, guns shotted, and the heating and melting such combustible matters aforesaid, within the limits wherein the same are by this Act prohibited; and if the owner, master, or other person then on board, having the charge or command of any such ship or vessel, lighter, barge, boat, or other craft, shall, upon demand in that behalf made, refuse to permit or shall not permit any such person or persons as aforesaid to come and enter into and on board of any such ship or vessel, lighter, barge, boat, or other craft, and to make a due and proper search and examination for the purposes aforesaid, every such owner, master, or other person as aforesaid, shall for every such offence forfeit the sum of ten pounds.

Penalty, 10*l.*

None to sweep for his Majesty's stores but licensed persons.

X. And, for the better prevention of the embezzlement of his Majesty's stores, be it enacted, That no person or persons not being in his Majesty's service, or employed in his Majesty's dock yards or arsenals, and in the regular performance of his duty, or not being authorized so to do for his Majesty's use, by licence under the hand of some commissioner of his Majesty's navy, which said licence any such commissioner is hereby empowered to grant, and also to revoke at his will and pleasure, shall on any account or pretence whatsoever creep or sweep for anchors, cables, ropes, rope yarns, or other stores, lost or supposed to be lost in any of the ports, harbours, havens, roads, roadsteads, sounds, channels, creeks, bays, and navigable rivers of this kingdom as aforesaid, within the distance of one hundred yards from any of his Majesty's ships or vessels of war, or hired ships or vessels in his Majesty's service, or from any moorings belonging to his Majesty, or within any such distance so to be marked as aforesaid, upon pain of forfeiting for every such offence the sum of ten pounds.

Penalty, 10*l.*

Punishing persons letting ballast or rubbish go into the sea.

XI. And be it further enacted, That if the owner, master, or other person having the charge or command of any private ship of war, transport, or other private or merchant ship or vessel, lighter, barge, boat, or other craft whatsoever, or any person working any quarry, mine, or pit, near to the sea, or to any such harbour, haven, or navigable river as aforesaid, or any other person or persons whatsoever, shall cast, throw, empty or unlade, or cause or procure to be cast, thrown, emptied or unladen, either from or out of any such ship or vessel, lighter, barge, boat, or other craft, or from the shore, any ballast, stone, slate, gravel, earth, rubbish, wreck, or filth, into any of such ports, roads, roadsteads, harbours, havens or navigable rivers of this kingdom as aforesaid, so as to tend to the injury or obstruction of the navigation thereof, or in any place or situation on shore where the same shall be liable to be washed into the sea, or into any such ports, roads, roadsteads, harbours, havens, or navigable rivers, either by ordinary or high tides, or by storms or land floods; all and every such person and persons so offending shall for every such offence forfeit and pay a sum not exceeding the sum of ten pounds, over and besides all expences which may be incurred in removing to a proper place the said matters which may have been deposited contrary to the provisions of this Act, such expences to be recoverable in such manner and with such power of commitment on non-payment thereof as in cases of penalties and forfeitures under this Act: Provided that nothing herein contained shall extend or be construed to extend to the casting out, unlading, or throwing out of any ship or vessel, lighter, barge, boat, or other craft, any stones, rocks, bricks, lime, or other materials used or to be used in or towards the building, re-

pairing, or keeping in repair any quay, pier, wharf, wear, bridge, or other building, or the banks or sides of any port, harbour, haven, channel, or navigable river, or any materials for repairing any highway; any thing herein contained to the contrary thereof in anywise notwithstanding.

Manner in which ships may unlade their ballast.

XII. And, for the more effectually preventing such injuries, be it further enacted, That no ship or vessel, lighter, barge, boat, or craft whatsoever, shall unlade on any part of the shore (except on some wharf properly constructed for the purpose) any ballast, stone, slate, gravel, earth, rubbish, wreck, or filth, except at the time of high water, or within two hours before or two hours after high water; and that, for every such purpose, every such ship or vessel, lighter, barge, boat, or craft shall approach the shore, as far as the tide and the draught of water of such ship, vessel, lighter, barge, boat, or craft will admit, and shall, under no circumstances, and in no situation, deposit any of the said matters below low water mark at neap tides; and that every vessel drawing above eleven feet of water at the stern, shall unlade all such materials into some lighter, barge, or boat, as hereinbefore directed, in order that the same may be conveyed as near the shore as possible at the time of high water, as hereinbefore directed.

Ballast to be cast on shore from the side of the ship nearest to the land.

Penalty.

XIII. And be it further enacted, That all such ballast and other matter shall, in all the above-mentioned cases, be cast on shore, from the side of the ship, lighter, barge, boat, or other craft, which shall be nearest to the land, and not otherwise; and every person who shall offend in any of the above particulars shall, for every such offence, forfeit and pay a sum not exceeding the sum of ten pounds, over and above all expences which may be incurred in removing to a proper place the said matters which may have been deposited contrary to the provisions of this Act, such expences to be recoverable in such manner and with such powers of commitment or non-payment thereof, as in cases of penalties and forfeitures under this Act.

Penalty on taking ballast from the shore in harbours.

XIV. And, in order to prevent damage being done to the shores or banks of the ports, harbours, or havens in this kingdom, be it further enacted, That no person or persons shall take any ballast or shingle from the shores or banks, or any portion of the shores or banks of any port, harbour, or haven of this kingdom, from which the commissioners for executing the office of Lord High Admiral of the United Kingdom for the time being shall find it necessary for the protection of such port, harbour or haven, or the works thereof, by order under their hands, or the hands of any three of them, or the hands of his or their secretary, and published in the *London Gazette*, to prohibit the taking or removing of such shingle or ballast, upon pain of forfeiting for every such offence the sum of ten pounds.

Tarpaulins to be used in taking in and discharging ballast.

XV. And be it further enacted, That in the taking of ballast into any ship or vessel, lighter, barge, boat, or other craft, and also in the discharging of the same from any ship or vessel into any lighter, boat, barge, or other craft, every such ship or vessel, lighter, barge, boat, or other craft, shall be provided with, and shall make use of one or more tarpaulin or tarpaulins properly stretched and spread, in order to prevent such ballast or any part thereof from falling into the sea, or into any harbour, haven or navigable river; and in case any person or persons shall either take any ballast into any ship or vessel, lighter, barge, boat, or other craft, or shall discharge the same from any ship or vessel into any lighter, barge, boat, or other craft, without using such sufficient tarpaulin or tarpaulins, properly stretched and spread, in order to prevent such ballast or any part thereof from falling into the sea, or into any such harbour, haven, or navigable river; all and every person and persons offending therein shall for every such offence forfeit and pay the sum of five pounds.

For licensing the dispensing of provisions relative to ballast.

XVI. And be it further enacted, That it may be lawful for the Lord High Admiral, or Lords Commissioners for executing the office of Lord High Admiral, to grant licenses under their hands and seal of office, or under the hand and seal of office of his or their secretary, for dispensing with the foregoing provisions relative to ballast, in cases that may seem to require such dispensation.

No. II.
54 Geo. III. c. 159.

Vessels sunk, to be raised.

XVII. And whereas ships or vessels, lighters, barges, boats, and other craft, are oftentimes sunk or stranded in the ports, harbours, havens, roads, roadsteads, sounds, channels, creeks, bays, and navigable rivers of this kingdom; and the same or the hulks thereof are frequently suffered to sink into and remain in the sand there, to the great damage of the said ports, harbours, havens, roads, roadsteads, sounds, channels, creeks, bays, and navigable rivers, and also to the great danger and damage of the ships and vessels coming and resorting to the same: For remedy whereof, be it further enacted, That when and as often as any ship or vessel, lighter, barge, boat, or other craft, shall be sunk or stranded in any port, harbour, haven, road, roadstead, sound, channel, creek, bay, or navigable river in this kingdom, where such harbour master shall be so appointed as aforesaid, it shall be lawful for any such harbour master, and also for any commissioner of the navy residing in or near the place where the same shall happen, in case the owner or owners, master or other person having the charge or command of such ship or vessel, lighter, barge, boat, or other craft shall refuse or neglect to weigh and raise the same for the space of twenty-eight days then next following, to cause any such ship or vessel, lighter, barge, boat, or other craft, to be weighed and raised, and to cause the same, and the furniture, tackle, and apparel thereof, or any part thereof respectively, and also all or any part of any goods, wares, merchandizes, chattels, and effects which shall be found on board the same, to be sold by public auction, or otherwise, and thereby and therewith to pay the charges and expences of weighing and raising such ship or vessel, lighter, barge, boat, or other craft, and clearing the port, harbour, haven, road, roadstead, sound, channel, creek, bay, or navigable river, where the same shall happen, and also the charges and expences of such sale, rendering the overplus (if any be) to the owner or owners or other person or persons who by law shall be entitled to the same.

Officers indemnified.

XVIII. And it is hereby declared and enacted, That all and every such harbour master, and commissioners of the navy, and all and every officer and officers of any of his Majesty's ships of war, docks, dock yards, and arsenals, and all and every other person and persons acting in his, their, or any of their aid or assistance, shall be, and he and they is and are hereby indemnified for all and whatsoever he or they shall do or cause to be done in pursuance of this Act.

If harbour master neglects for two months, the owner may raise his sunk vessel.

XIX. Provided always, and be it further enacted, That in case the said harbour master or commissioner of the navy, shall not proceed to cause such ship or vessel, lighter, barge, boat, or other craft to be weighed and raised within the space of two calendar months next after the expiration of the said twenty-eight days, then and in that case it shall and may be lawful to and for such owner or owners, master, or other person, to proceed to weigh and raise such sunken or stranded ship or vessel, barge, boat, or other craft, and the goods and effects therein, in the same manner as if this Act had not been made and passed.

Commissioners of the navy to act as justices.

XX. And be it further enacted, That every commissioner of the navy, who for the time being shall be residing at any port, dock yard, or arsenal, near to any place where any offence against this Act may be committed, shall be and be deemed to be a justice of the peace for all the purposes of this Act; and that all and every the laws and statutes of this realm made and now in force, for the ease, safety, and protection of justices of the peace in the execution of their office, shall extend and be construed to extend to all such commissioners of the navy, and to all constables, headboroughs, or other peace officers or persons acting under the warrant or authority of any such commissioner of the navy, as fully and effectually, to all intents and purposes, as if the same were herein and hereby repeated and re-enacted as to and for the ease, safety, and protection of such commissioners of the navy, and the constables, headboroughs, or other peace officers or persons acting under their or any of their warrant or authority.

Recovery of penalties.

XXI. And be it further enacted, That all the penalties and forfeitures imposed by this Act shall be sued for within twelve calendar months next after the offence or offences shall be committed, before any commissioner of the navy or justice of the peace residing at or near to the place where

any such offence or offences shall be committed; all which said penalties and forfeitures shall go and be applied as follows; (that is to say,) one moiety thereof to the use of his Majesty, his heirs, and successors, and the other moiety thereof, with full costs, to be adjudged by such commissioner of the navy or justice of the peace, to the informer; and every such commissioner of the navy and justice of the peace, is hereby authorized and required, upon information exhibited or complaint made, to grant and issue his warrant in writing under his hand, to bring before them respectively such offender or offenders at the time and place in such warrant specified; and if on the conviction of the offender or offenders respectively, on his, her, or their confession, or on oath, (which oath every such commissioner of the navy and justice of the peace is hereby authorized and empowered to administer,) such penalty or forfeiture, together with such costs as aforesaid, shall not be forthwith paid, it shall be lawful for such commissioner of the navy or justice of the peace to commit any such offender or offenders to the common gaol or house of correction for the county, city, or borough, at or near to the place where the offence or offences shall be committed, there to remain without bail or mainprize for any time not exceeding three months, unless such penalty or forfeiture and costs shall be sooner paid.

Extent of jurisdiction of commissioners of the navy and justices of the peace.

XXII. And whereas divers ports, harbours, havens, roads, roadsteads, sounds, channels, creeks, bays, and navigable rivers, in this kingdom, do lie partly in one county and partly in another, and partly or in the whole out of the body of any county of this realm; by reason whereof doubts may arise as to the jurisdiction of any commissioner of the navy or justice of the peace, touching any offence or offences which may be committed contrary to this Act; Be it therefore enacted, That it shall be lawful for any commissioner of the navy, residing at or near to any port, harbour, or haven, or any part thereof, or for any justice of the peace for any county, city, or borough, acting in and for any district or place next adjoining to any such port, harbour, haven, road, roadstead, sound, channel, creek, bay, or navigable river, or any member of any of them, where any such offence or offences may be committed, to proceed in the execution of this Act, and of all the powers and authorities thereof, herein and hereby given to commissioners of the navy and justices of the peace, in such and the same manner, and as fully and effectually to all intents and purposes, as if such offence or offences had been committed locally within the limits of the jurisdiction of such commissioner of the navy or justice of the peace, although the same may have been committed out of the limits of the jurisdiction of such commissioner or justice, or out of the body of any county of this realm.

Offenders.

XXIII. And, for the more easy and speedy conviction of offenders against this Act, and also for the prevention of frivolous and vexatious appeals, Be it further enacted, That every commissioner of the navy and justice of the peace before whom any person or persons shall be convicted of any offence or offences against this Act, shall and may cause the conviction to be drawn up according to the following form, or in any form of words to the like effect, *mutatis mutandis*; which conviction shall be good and effectual to all intents and purposes, without stating the case, or the facts or evidence, in any more particular manner; (that is to say),

Form of conviction.

'BE it remembered, that on the day of
'in the year of our Lord *A. B.* is
'convicted before me one of the commission-
'ers of the navy, or one of his Majesty's justices of the peace for the
'of [*as the case may be*] for that the said
'*A. B.* on the day of at did [*here state the*
'*offence against this Act*] contrary to the statute in such case made and
'provided. Given under my hand and seal the day and year first above
'written."

Which conviction the said commissioner or justice shall cause to be fairly written upon parchment or paper, and returned to the next general quarter

No. II. 54 Geo. III. c. 159.

sessions of the peace for the county, division, city, town corporate, liberty, or place, where such conviction was made, to be filed by the clerk of the peace, and there to remain and be kept among the records of the same county, division, or place; and the same shall not be removed by *certiorari*, advocation, or suspension, or any other process whatsoever, into any court whatsoever.

Punishing witnesses not attending.

XXIV. And be it further enacted, That if any person or persons shall be summoned as a witness or witnesses to give evidence before any such commissioner or justice or justices of the peace, touching any of the matters relative to this Act, either on the part of the informer or prosecutor, or of the party or parties accused, and shall neglect or refuse to appear at the time and place to be for that purpose appointed, without a reasonable excuse for such his, her, or their neglect or refusal, to be allowed by such commissioner, or justice or justices of the peace before whom the complaint or prosecution shall be depending, that then every such person shall forfeit for every such offence the sum of ten pounds, to be recovered, levied, and paid and applied in such manner and by such means as above directed with respect to fines on summary convictions.

Perjury.

XXV. And be it further enacted, That if any person, upon examination on oath or affirmation before any commissioner of the navy, or before any justice of the peace in any matter relating to the execution of this Act, shall wilfully and corruptly give false evidence, or shall in any information or deposition sworn, or affirmation taken in writing, before any such commissioner or justice, wilfully and corruptly swear or affirm any matter or thing which shall be false or untrue, every such person so offending, and being thereof lawfully convicted, shall be and is hereby declared to be subject and liable to the like pains and penalties as any persons convicted of wilful and corrupt perjury, are by any law now in force subject and liable to.

Appeal.

XXVI. And be it further enacted, That it shall and may be lawful to and for any person or persons so convicted by any commissioner of the navy or justice of the peace before-mentioned, of any offence or offences against this Act, within three calendar months next after such conviction, to appeal to the justices of the peace assembled at the general quarter sessions holden for the county, city, or place, where the matter of appeal shall arise, first giving ten days' notice of such appeal to the person or persons appealed against, and of the matter thereof, and entering into a recognizance before some commissioner of the navy, or justice of the peace for such county, city, or place, with two sufficient sureties conditioned to try such appeal, and for abiding the determination of the court therein; and such justices at the general quarter sessions shall, upon due proof of such notice having been given, and a recognizance having been entered into, hear and determine the matter of such appeal, and may either confirm or quash and annul the said conviction, and award such costs to either party as to them shall seem just and reasonable; and the decision of the said justices therein shall be final, binding, and conclusive.

Limitation of actions.

XXVII. And be it further enacted, That if any action or suit shall be brought or commenced against any person or persons, for any thing done in pursuance of this Act, such action or suit shall be commenced within six months after the matter or thing done, and the venue therein laid in the proper county, and not elsewhere; and the defendant or defendants in such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and if a verdict shall pass for the defendant or defendants, or the plaintiff shall be non-suited or discontinue his action, after the defendant or defendants has or have appeared, or if judgement shall be given upon any verdict or demurrer against the plaintiff or plaintiffs, the defendant or defendants shall recover treble costs, and have the like remedy for the same as defendants have by law in other cases.

Saving.

XXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, diminish, abridge, alter, or take away, any right of property, privilege, or jurisdiction, or any powers of conservancy, held, possessed, used, exercised,

No. II. 54 Geo. III. c. 159.

or enjoyed, by any body corporate or politic, or by any lord or lords, lady or ladies of any manor or manors, or any person or persons whatsoever, in, to, upon, or over any of the ports, harbours, havens, roads, roadsteads, sounds, channels, creeks, bays, or navigable rivers of the united kingdom, or to the banks, shores, or sides thereof; or to repeal any of the provisions contained in any Act or Acts of Parliament which may have been passed, for the regulation of any river, port, or harbour in the united kingdom, or the shipping frequenting the same, except such acts and provisions as are expressly repealed by this present Act; but that such respective rights of property, privileges, jurisdictions, and powers of conservancy, shall be respectively and exclusively enjoyed, in as full, ample, and beneficial a manner in every respect, to all intents and purposes, as if this Act had never been made, any thing herein contained to the contrary notwithstanding,

[No. III.] 58 Geo. III. c. 35.—An Act to provide for the maintaining of the Royal Canal from the River Liffey to the River Shannon, in Ireland.—[23*rd May* 1818.]

Part VI.—Class XXX.

SEDITIOUS MEETINGS, &c.

[No. I.] 39 Geo. III. c. 79.—An Act for the more effectual Suppression of Societies established for Seditious and Treasonable Purposes; and for better preventing Treasonable and Seditious Practices.—[12*th July* 1799.]

[Inserted Part V. Cl. II. No. 55.]

[No. II.] 60 Geo. III. and 1 Geo. IV. c. 1.—An Act to prevent the Training of Persons to the Use of Arms, and to the Practice of Military Evolutions and Exercise.—[11*th December* 1819.]

No. II. 60 Geo. III. & 1 Geo. IV. c. 1.

WHEREAS, in some parts of the United Kingdom, men clandestinely and unlawfully assembled have practised military training and exercise, to the great terror and alarm of his Majesty's peaceable and loyal subjects, and the imminent danger of the public peace; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That all meetings and assemblies of persons for the purpose of training or drilling themselves, or of being trained or drilled to the use of arms, or for the purpose of practising military exercise, movements, or evolutions, without any lawful authority from his Majesty, or the lieutenant, or two justices of the peace of any county or riding, or of any stewartry, by commission or otherwise, for so doing, shall be and the same are hereby prohibited, as dangerous to the peace and security of his Majesty's liege subjects and of his government; and every person who shall be present at or attend any such meeting or assembly, for the purpose of training and drilling any other person or persons to the use of arms, or the practice of military exercise, movements, or evolutions, or who shall train or drill any other person or persons to the use of arms,

Meetings and assemblies of persons for the purpose of being trained, or of practising military exercise, prohibited.

No. II. 60 Geo. III. & 1 Geo. IV. c. 1.

or the practice of military exercise, movements, or evolutions, or who shall aid or assist therein, being legally convicted thereof, shall be liable to be transported for any term not exceeding seven years, or to be punished by imprisonment not exceeding two years, at the discretion of the court in which such conviction shall be had; and every person who shall attend or be present at any such meeting or assembly as aforesaid, for the purpose of being, or who shall at any such meeting or assembly be trained or drilled to the use of arms, or the practice of military exercise, movements, or evolutions, being legally convicted thereof, shall be liable to be punished by fine and imprisonment not exceeding two years, at the discretion of the court in which such conviction shall be had.

Punishment.

Persons so assembled may be detained and required to give bail, and prosecuted.

II. And be it further enacted, That it shall be lawful for any justice of the peace, or for any constable or peace officer, or for any other person acting in their aid or assistance, to disperse any such unlawful meeting or assembly as aforesaid, and to arrest and detain any person present at, or aiding, assisting, or abetting any such assembly or meeting as aforesaid; and it shall be lawful for the justice of the peace who shall arrest any such person, or before whom any person so arrested shall be brought, to commit such person for trial for such offence, under the provisions of this Act, unless such person can and shall give sufficient bail for his appearance at the next assizes or general or quarter sessions of the peace, to answer to any indictment which may be preferred against him for any such offence against this Act, in *England* and *Ireland*; and in *Scotland* every such person shall be arrested and dealt with according to the law and practice of that part of the United Kingdom in the case of a bailable offence.

Sheriffs depute, &c. in Scotland to have the same powers as Magistrates in England.

III. And be it further enacted, That the sheriffs depute and their substitutes, stewards depute and their substitutes, justices of the peace, magistrates of royal burghs, and all other inferior judges and magistrates, and also all high and petty constables, or other peace officers of any county, stewartry, city, or town within that part of the United Kingdom called *Scotland*, shall have such and the same powers and authorities for putting this present Act in execution within *Scotland*, as the justices of the peace and other magistrates and peace officers and constables aforesaid respectively have, by virtue of this Act, within and for other parts of the United Kingdom.

Offenders may be indicted, if not prosecuted under this Act

IV. Provided also, and be it further enacted, That nothing in this Act contained shall extend to prevent any prosecution, by indictment or otherwise, for any thing which shall be an offence within the intent and meaning of this Act, and which might have been so prosecuted if this Act had not been made, unless the offender shall have been prosecuted for such offence under this Act, and convicted or acquitted of such offence.

Limitation of actions.

V. And be it further enacted, That any action or suit which shall be brought or commenced against any justice or justices of the peace, constable, peace officer, or other person or persons, in that part of *Great Britain* called *England* or in *Ireland*, for any thing done or acted in pursuance of this Act, shall be commenced within six calendar months next after the fact committed, and not afterwards; and the venue in every such action or suit shall be laid in the proper county where the fact was committed, and not elsewhere; and the defendant or defendants in every such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon: and if such action or suit shall be brought or commenced after the time limited for bringing the same, or the venue shall be laid in any other place than as aforesaid, then the jury shall find a verdict for the defendant or defendants; and in such case, or if the jury shall find a verdict for the defendant or defendants upon the merits, or if the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her, or their actions after appearance, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have double costs, which he or they shall and may recover in such and the same manner as any defendant can by law in other cases.

General issue may be pleaded.

Double costs.

Limitation of actions, &c. in Scotland.

VI. And be it further enacted, That every action or suit which shall be brought or commenced against any person or persons in *Scotland*, for any thing done or acted in pursuance of this Act, shall in like manner be commenced within six calendar months after the fact committed, and not

No. II.
60 Geo. III. & 1 Geo. IV. c. 1.

afterwards, and shall be brought in the Court of Session in *Scotland*; and the defender or defenders may plead that the matter complained of was done in pursuance of this Act, and may give this Act and the special matter in evidence; and if such action or suit shall be brought or commenced after the time limited for bringing the same, then the same shall be dismissed; and in such case, or if the defender or defenders shall be assoilzied, or the pursuer or pursuers shall suffer the action or suit to fall asleep, or a decision shall be pronounced against the pursuer or pursuers upon the relevancy, the defender or defenders shall have treble costs or expences, which he or they shall and may receive in such and the same manner as any defender can by law recover costs or expences in other cases.

Treble costs.

VII. Provided always, and be it further enacted, That no person shall be prosecuted by virtue of this Act for any thing done or committed contrary to the provisions hereinbefore contained, unless such prosecution shall be commenced within six calendar months after the offence committed.

Prosecutions to be commenced within six months after offences.

VIII. And be it further enacted, That this Act may be repealed in the whole or in any part thereof, or in any manner altered or amended, during the present Session of Parliament.

Act may be repealed or altered this session.

[No. III.] 60 George III. & 1 George IV. c. 2.—An Act to authorize Justices of the Peace, in certain disturbed Counties, to seize and detain Arms collected or kept for Purposes dangerous to the Public Peace; to continue in force until the twenty-fifth Day of *March* one thousand eight hundred and twenty-two.—[18*th December* 1819.]

No. III.
60 Geo. III. & 1 Geo. IV. c. 2.

WHEREAS arms and weapons of various sorts have in many parts of this kingdom been collected, and are kept for purposes dangerous to the public peace; and it is expedient that justices of the peace should be authorized and empowered to seize and detain such arms and weapons: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That it shall be lawful for any justice of the peace, upon the information upon oath of one or more credible witness or witnesses, that he or they believe that any pike, pike-head, or spear is in the possession of any person or persons, or in any house or place, or that any dirk, dagger, pistol, gun, or other weapon is, for any purpose dangerous to the public peace, in the possession of any person, or in any house or place, to issue his warrant to any constable or other peace officer to search for and seize such pike, pike-head, spear, dirk, dagger, pistol, gun, or other weapon in the possession of any such person, or in any such house or place; and that it shall be lawful for such constable or other peace officer, acting under any such warrant, or any other person or persons in his or their aid or assistance, to search for and seize any such pike, pike-head, spear, dirk, dagger, pistol, gun, or other weapon, being in the possession of any such person, or in any such house or place as aforesaid; and in case admission into such house or place shall be refused or not obtained within a reasonable time after it shall have been first demanded, to enter by force, by day or by night, into every such house or place whatsoever, and to detain or cause to be detained in safe custody, in such place as the said justice of the peace shall appoint and direct, the arms or weapons so found and seized as aforesaid, unless the owner thereof shall prove to the satisfaction of such justice, that such arms or weapons were not kept for any purpose dangerous to the public peace.

Justices may issue warrants for searching for and seizing weapons, dangerous to the public peace.

II. Provided always, and be it further enacted, That it shall be lawful for any person from whom any such arms or weapons shall be so taken as last aforesaid, in case the justice of the peace upon whose warrant the same shall have been taken shall upon application made for that purpose refuse to restore the same, to apply to the next general or quarter sessions of the peace of the county, or riding, or division, upon giving ten days previous notice of such application to such justice, for the restitution of such arms or weapons, or any part thereof: and the justices assembled at such general

Party may appeal to quarter sessions.

No. III. 60 Geo. III. & 1 Geo. IV. c. 2.

or quarter sessions of the peace shall make such order for the restitution or safe custody of such arms or weapons, or any part thereof, as upon such application shall appear to them to be proper.

Persons found carrying arms under suspicious circumstances may be detained, and required to give bail, and prosecuted.

III. And be it further enacted, That it shall be lawful for any justice of the peace, or for any constable, peace officer, or other person acting under the warrant of any justice of the peace, or for any person acting with or in aid of any justice of the peace, or of any constable or other peace officer having such warrant as aforesaid, to arrest and detain any person found carrying arms in such manner and at such times as, in the judgment of such justice of the peace, to afford just grounds of suspicion that the same are carried for purposes dangerous to the public peace; and it shall be lawful for the justices of the peace who shall arrest any such person, or before whom any person arrested upon any such warrant shall be brought, to commit such person for trial for a misdemeanor, unless such person can and shall give sufficient bail for his appearance at the next assizes, or next general or quarter sessions of the peace, to answer to any indictment which may be preferred against him in that part of *Great Britain* called *England*; and in *Scotland* every such person shall be arrested and dealt with according to the law and practice of that part of the united kingdom in the case of a bailable offence.

Justices of detached and adjoining counties to have concurrent jurisdiction in such counties.

IV. And be it further enacted, That all justices of the peace acting in and for the several counties specified in this Act, or in any proclamation to be issued under this Act, or any counties next adjoining thereto, shall have concurrent jurisdiction as justices of the peace, in all cases as to the carrying into execution the provisions of this Act, and as to all matters and things relating to the preservation of the public peace, as fully and effectually as if each of such justices was in the commission of the peace of each of such counties, and had been duly qualified by law to act therein.

Sheriffs depute in Scotland to have the same powers as justices in England.

V. And be it further enacted, That the sheriffs depute and their substitutes, stewards depute and their substitutes, justices of the peace, magistrates of royal burghs, and all other inferior judges and magistrates, and also all high and petty constables or other peace officers of any county, stewartry, city, or town within that part of the united kingdom called *Scotland*, shall have such and the same powers and authorities for putting this present Act in execution within *Scotland*, as the justices of the peace and other magistrates and peace officers and constables aforesaid respectively have, by virtue of this Act, within and for that part of *Great Britain* called *England*.

Limitation of actions.

VI. And be it further enacted, That any action or suit which shall be brought or commenced against any justice or justices of the peace, constable, peace officer, or other person or persons in that part of *Great Britain* called *England*, for any thing done or acted in pursuance of this Act, shall be commenced within six calendar months next after the fact committed, and not afterwards; and the venue in every such action or suit shall be laid in the proper county where the fact was committed, and not elsewhere; and the defendant or defendants in every such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and if such action shall be brought or commenced after the time limited for bringing the same, or the venue shall be laid in any other place than as aforesaid, then the jury shall find a verdict for the defendant or defendants; and in such case, or if the jury shall find a verdict for the defendant or defendants upon the merits, or if the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her, or their action after appearance, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have double costs, which he or they shall and may recover in such and the same manner as any defendant can by law in other cases.

Double costs.

Limitation of actions, &c. in Scotland.

VII. And be it further enacted, That every action or suit which shall be brought or commenced against any person or persons in *Scotland*, for any thing done or acted in pursuance of this Act, shall in like manner be commenced within six calendar months after the fact committed, and not afterwards, and shall be brought in the Court of Session in *Scotland*; and the defender or defenders may plead that the matter complained of was done in

No. III. 60 Geo. III. & 1 Geo. IV. c. 2.

pursuance of this Act, and may give this Act and the special matter in evidence; and if such action or suit shall be brought or commenced after the time limited for bringing the same, then the same shall be dismissed; and in such case, or if the defender or defenders shall be assoilzied, or the pursuer or pursuers shall suffer the action or suit to fall asleep, or a decision shall be pronounced against the pursuer or pursuers upon the relevancy, the defender or defenders shall have double costs or expences, which he or they shall and may receive in such and the same manner as any defender can by law recover costs or expences in other cases.

Double costs.

VIII. And be it further enacted, That this Act and all the provisions thereof, shall extend to the several counties of *Lancaster* and *Chester*, and to the west riding of the county of *York*, and to the counties of *Warwick*, *Stafford*, *Derby*, *Leicester*, *Nottingham*, *Cumberland*, *Westmorland*, *Northumberland*, *Durham*, *Renfrew*, and *Lanark*, the counties of the towns of *Newcastle-upon-Tyne* and *Nottingham*, and of the city of *Coventry*, and such other counties or ridings of *Great Britain* as his Majesty shall from time to time, upon the representation made by the justices assembled at any quarter or general session of the peace, or by any general meeting of the lieutenancy of any county or riding, in consequence of any disturbance therein, by any proclamation made by and with the advice of his privy council, declare to be so disturbed as to make it necessary that the provisions of this Act should be enforced therein; and then and in such case this Act shall be in full force as to any such county or counties, or ridings, from the day specified in any such proclamation, as if such county or riding had been contained in this Act.

Act to extend to certain counties, and others by proclamation.

IX. Provided always, and be it further enacted, That it shall be lawful for his Majesty, by and with the advice of his privy council, by proclamation, to declare that this Act shall be no longer in force in any counties or riding specified in this Act, or in any county or riding to which the provisions of this Act shall have been extended by proclamation as aforesaid; and from and after the period specified in any such proclamation, the powers of this Act shall no longer be in force in such county or riding: Provided always, that nothing herein contained shall prevent or be construed to extend to prevent his Majesty, upon such representation and by such advice as aforesaid, declaring by proclamation any such county or riding to be again within the powers of this Act.

His Majesty in council may restrict or extend the operation of the Act.

X. Provided always, and be it further enacted, That this Act shall be and continue in force until the twenty-fifth day of *March* one thousand eight hundred and twenty-two.

Duration of this Act.

XI. And be it further enacted, That this Act may be repealed in the whole or in any part thereof, or in any manner altered or amended, during the present Session of Parliament.

Act may be repealed or altered this Session.

[No. IV.] 60 George III. & 1 George IV. c. 6.—An Act for more effectually preventing Seditious Meetings and Assemblies; to continue in force until the End of the Sessesion of Parliament next after five Years from the passing of the Act.—[24*th December* 1819.]

No. IV. 60 Geo. III. & 1 Geo. IV. c. 6.

WHEREAS in divers parts of this kingdom, assemblies of large numbers of persons collected from various parishes and districts, under the pretext of deliberating upon public grievances, and of agreeing on petitions, complaints, remonstrances, declarations, resolutions, or addresses upon the subject thereof, have of late been held, in disturbance of the public peace, to the great terror and danger of his Majesty's loyal and peaceable subjects, and in a manner manifestly tending to produce confusion and calamities in the nation; Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That no meeting of any description of persons, exceeding the number of fifty persons (other than and except any meeting of any county, or division of any county, called by the lord lieutenant, governor, or custos rotu-

No meeting of more than 50 persons (ex-

No. IV. 60 Geo. III. & 1 Geo. IV. c. 6.

lorum, or the sheriff of such county, or any meeting of any riding of any county called by the lord lieutenant or custos rotulorum of such riding, or by the sheriff of the same county; or any meeting called by the sheriff or stewart depute, or substitute, or by the convener of any county or stewartry, or any meeting called by five or more acting justices of the peace of the county, stewartry, or place where such meeting shall be holden: or any meeting of any riding or division of any county having different ridings or divisions, called by five or more justices of such riding or division; or any meeting called by the major part of the grand jury of the county where such meeting shall be holden, at the assizes for the said county; or any meeting of any city, borough, or town corporate, called by the mayor or other head officer of such city, borough, or town corporate; or any meeting of any ward or division of any city, called by the alderman or other head officer of such ward or division, or any meeting of any corporate body), shall be holden for the purpose or on the pretext of deliberating upon any public grievance, or upon any matter or thing relating to any trade, manufacture, business, or profession, or upon any matter in church or state; or of considering, proposing, or agreeing to any petition, complaint, remonstrance, declaration, resolution, or address upon the subject thereof; unless in the parish, or when any parish shall be divided into townships, having separate and distinct overseers of the poor, then in the township within which the persons calling any such meeting shall usually inhabit or dwell; nor unless notice in writing of the intention to hold such meeting, and of the time and place when and where, and of the purpose for which the same shall be proposed to be holden, shall be delivered personally to some justice of the peace residing in or near to such parish or township, and usually acting for the district or division within which such parish or township shall be situate, six days at the least before such meeting shall be proposed to be holden as aforesaid; nor unless such notice shall be subscribed by seven persons at the least, being householders usually resident within the parish or township (as the case may be), where such meeting shall be proposed to be holden; nor unless the respective places of abode and descriptions of such persons be inserted in such notice.

cept county meetings, &c.) to be holden, unless in separate parishes or townships, and with notice to a justice of the peace by seven householders.

II. Provided always, and be it further enacted, That it shall be lawful for the justice of the peace to whom any such notice as aforesaid shall be delivered, to alter the time and place, or either of them, mentioned in such notice for holding any such proposed meeting, and to fix any other convenient time, being not more than four days from and after the day proposed in the notice, or any other convenient place within the parish or township for which such meeting is intended to be held as aforesaid; and in every such case the said justice of the peace shall notify in writing every such alteration, and either give such notification to the person who shall deliver the notice, or leave such notification at any time within two days after the delivery to the said justice of such notice as aforesaid, at the place of abode specified in such notice, of any one of the seven persons subscribing the same; and the said meeting, if held, shall not in any such case be held on any other time, or at any other place, than shall be so fixed by the said justice of the peace.

Justice may alter time and place of meeting.

III. And be it further enacted, That it shall not be lawful to adjourn any meeting that shall be holden at any time or place mentioned in any such notice, or so altered as aforesaid to any subsequent time, or to any other place than shall have been so mentioned in such notice, or so altered as aforesaid; and that every meeting which shall be holden by way of or under pretence of being an adjourned meeting, at any other time or place than the time or place mentioned in such notice, or so altered as aforesaid, for the purpose or on the pretext of deliberating upon any public grievance, or upon any matter or thing relating to any trade, manufacture, business, or profession, or upon any matter in church or state, or of considering, proposing, or agreeing to any petition, complaint, remonstrance, declaration, resolution, or address, upon the subject thereof, shall be deemed and taken to be an unlawful assembly.

Respecting adjournments of meetings, &c.

IV. And be it further enacted, That no person (other than and except justices of the peace, sheriffs, under sheriffs, constables, or other peace of

No persons to attend meetings, unless

ficers, or other persons acting under their authority, or in their aid or assistance) shall attend any meeting whatever exceeding the number of fifty persons, which shall be holden for the purpose or on the pretext of deliberating upon any public grievance, or upon any matter or thing relating to any trade, manufacture, business, or profession, or upon any matter in church or state, or of considering, proposing, or agreeing to any petition, complaint, remonstrance, declaration, resolution, or address, upon the subject thereof, unless such person, when the meeting shall be holden for any county, riding, division or stewartry, shall be a freeholder, copyholder, heritor, or householder of, or an inhabitant usually residing in the county or riding, or division of the county or stewartry, within and for which the meeting shall be holden, or a freeman or member of the corporation, if the meeting be of any corporate body, or a householder of, or an inhabitant usually residing, or a freeholder or copyholder having an estate in lands of the annual value of fifty pounds, of which he shall have been in possession twelve months, in the city, borough or town corporate, parish or township (as the case may be), within and for which any such meeting shall be holden: Provided always, that nothing herein contained shall extend, or be construed to extend, to any member of the Commons House of Parliament, attending any such meeting as aforesaid, in any county, city, borough, town, or place for which he shall be serving in Parliament; nor to any person having a right to vote for a member to serve in Parliament for any city, borough, town or place, attending any meeting of such city, borough, town or place, which may be called by the mayor or other head officer.

freeholders of the county, or members of the corporation, or inhabitant of the city or parish, &c. for which the meeting shall be held;

or members of Parliament, or voters.

V. And be it further enacted, That if any person shall knowingly and wilfully attend any meeting holden for the purpose or on the pretext of deliberating upon any public grievance, or upon any matter or thing relating to any trade, manufacture, business, or profession, or upon any matter in church or state, or of considering, proposing, or agreeing to any petition, complaint, remonstrance, declaration, resolution or address, upon the subject thereof, not being a freeholder, copyholder, heritor, or householder of or inhabitant usually residing in the county or riding, or division of the county, or the stewartry, within and for which the meeting shall be holden, when such meeting shall be holden for any county, riding, division, or stewartry, or not being a freeman or member of the corporation, if the meeting be of any corporate body, or a householder of or inhabitant usually residing, or freeholder or copyholder having such estate as aforesaid, in the city, borough, or town corporate, parish or township (as the case may be), within and for which any such meeting shall be holden, and not being such member of the Commons House of Parliament, attending as aforesaid, such person being convicted thereof, shall be liable to be punished by fine and imprisonment, not exceeding twelve calendar months, at the discretion of the court in which the conviction shall be had.

Punishing persons attending meetings contrary to the provisions of this Act.

VI. And be it further enacted, That all justices of the peace, sheriffs and under sheriffs, mayors, and other head officers aforesaid, are hereby respectively authorized and empowered, within their respective jurisdictions, where any meeting or assembly shall be holden, or be proposed to be holden, for the purpose or on the pretext of deliberating upon any public grievance, or upon any matter or thing relating to any trade, manufacture, business, or profession, or upon any matter in church or state, or of considering, proposing, or agreeing to any petition, complaint, remonstrance, declaration, resolution or address, upon the subject thereof, to proceed to the place where such meeting or assembly shall be holden, or shall be proposed to be holden, and there to do or order or cause to be done all such acts, matters, and things, as the case may require, which they are hereby enabled to do, or to order to be done, or which they are otherwise by law enabled or entitled to do, or to order to be done; and it shall be lawful for all justices of the peace, sheriffs, under sheriffs, mayors, and other head officers respectively as aforesaid, to require and take the assistance of any number of constables, or other officers of the peace, within the district or place wherein such meeting as hereinbefore mentioned shall be holden, or any other persons in their aid or assistance, when they shall deem such aid or assistance to be necessary and requisite.

Allowing justices to resort to assemblies.

No. IV. 60 Geo. III. & 1 Geo. IV. c. 6.

Cases where meetings shall be deemed unlawful.

VII. And be it further enacted, That in case any meeting shall be holden in pursuance of any such notice as aforesaid, and such notice shall express or purport that any matter or thing by law established may be altered otherwise than by the authority of the King, Lords, and Commons, in Parliament assembled; or shall tend to incite or stir up the people to hatred or contempt of the person of his Majesty, his heirs or successors, or of the government and constitution of this realm, as by law established; every such meeting shall be deemed and taken to be an unlawful assembly.

Persons attending meetings contrary to this Act, to be required by proclamation to depart.

VIII. And be it further enacted, That if any person or persons shall attend any meeting whatever, holden for the purpose or on the pretext of deliberating upon any public grievance, or upon any matter or thing relating to any trade, manufacture, business, or profession, or upon any matter in church or state, or of considering, proposing, or agreeing to any petition, complaint, remonstrance, declaration, resolution or address, upon the subject thereof, contrary to the provisions of this Act, it shall be lawful for any one or more justice or justices of the peace in and for any county, or the sheriff or under sheriff of any county, or the mayor or other head officer or any justice of the peace of any city or town corporate, within which any such meeting shall be held, to make or cause to be made proclamation in the King's name, in the form directed in this Act, commanding every person so unlawfully attending any such meeting immediately and peaceably to depart therefrom; and if any person or persons so ordered to depart as aforesaid, shall not, upon such proclamation, depart from any such meeting within the space of a quarter of an hour after such proclamation made, that then and in every such case, every such person so continuing and not departing as aforesaid, shall, upon being thereof lawfully convicted, be adjudged to be guilty of felony, and shall be liable to be transported for any period not exceeding seven years.

Form of proclamation.

IX. And be it further enacted, That the order and form of the proclamation to be made as aforesaid, shall be as hereafter followeth, (that is to say,) the justice of the peace or other person, or one of the justices of peace, or one of the other persons authorized by this Act to make the said proclamation, shall, among the said persons assembled, or as near to them as he can safely come, with a loud voice, command or cause to be commanded silence to be, while proclamation is making; and after that shall openly, and with loud voice, make or cause to be made proclamation in these words, or to the like effect:

'OUR sovereign lord the King chargeth and commandeth every person 'here assembled, who is not a [*freeholder, heritor of*
'*freeman of* *member of*
'*householder of* *or inhabitant usually*
'*residing, or freeholder in, or copyholder in* *, naming the*
'*county, riding, division, stewartry, city, borough, town, body-corporate, parish,*
'*or township, as the case may be,*] or who is not entitled to attend this
'meeting, immediately to depart from this meeting to his lawful business.
'*GOD* save the King.'

Persons not entitled to attend meetings, and not departing upon proclamation, may be carried before a justice.

X. And be it further enacted, That when any such proclamation as aforesaid shall have been made at any meeting, it shall be lawful for any person lawfully attending such meeting to seize and apprehend any person not entitled to attend such meeting, who shall not upon the making of such proclamation forthwith depart, and to carry such person before any justice of the peace of the county, riding, division, stewartry, city, or town-corporate, within which such meeting shall be held, to be dealt with according to law.

Punishing persons assembled contrary to this Act, not dispersing after being required so to do by proclamation.

XI. And be it further enacted, That it shall be lawful for any one or more justice or justices of the peace in and for any county, or for the sheriff or under sheriff of any county, or for the mayor or other head officer, or any justice of the peace of any city or town-corporate, within which any meeting shall be held, or persons shall assemble for the purpose of holding any meeting contrary to the provisions of this Act, or where any person or persons not entitled to attend any meeting or assembly as aforesaid, shall refuse or neglect to depart therefrom for the space of a

quarter of an hour after such proclamation made as aforesaid, to make or cause to be made proclamation in the King's name, in the manner and form hereinafter directed, to command all persons there assembled to disperse themselves, and peaceably to depart to their habitations, or to their lawful business; and if any such persons so assembled as aforesaid shall, to the number of twelve or more, notwithstanding such proclamation made, continue together by the space of half an hour after such proclamation made, that then and in every such case every person so continuing, being thereof legally convicted, shall be adjudged guilty of felony, and be liable to be transported for any term not exceeding seven years.

Form of Proclamation.

XII. And be it further enacted, That the order and form of the proclamation to be made as aforesaid, shall be as hereafter followeth; (that is to say), the justice or justices of the peace, or other person authorized by this Act to make such proclamation, shall, among the said persons assembled, or as near to them as he can safely come, with a loud voice, command or cause to be commanded silence to be, while proclamation is making, and after that shall openly, and with loud voice, make or cause to be made proclamation in these words, or to the like effect:

'OUR sovereign lord the King chargeth and commandeth all persons here assembled, immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business. *GOD* save the King.'

Justices at meetings on notice may order persons propounding or maintaining propositions for altering any thing by law established except by authority of the King, Lords, and Commons, &c. to be taken into custody, &c.

XIII. And be it further enacted, That if one or more justice or justices of the peace present at any meeting requiring such notice as aforesaid, shall think fit to order any person or persons who shall attend such meeting in any manner contrary to the provisions of this Act, or who shall at such meeting proceed to propound or maintain any proposition for altering any thing by law established, otherwise than by the authority of the King, Lords, and Commons, in Parliament assembled, or shall wilfully and advisedly make any proposition, or hold any discourse for the purpose of inciting and stirring up the people to hatred or contempt of the person of his Majesty, his heirs or successors, or the government and constitution of this realm as by law established, to be taken into custody, to be dealt with according to law; and in case the said justice or justices, or any of them, or any peace officer acting under his or their or any of their orders, shall be forcibly obstructed in taking into custody any person or persons so ordered to be taken into custody, then and in such case it shall be lawful for any such justice or justices thereupon to make or cause to be made such proclamation as last aforesaid, in manner aforesaid; and if any persons, to number of twelve or more, being required or commanded by such proclamation to disperse themselves, and peaceably to depart as last aforesaid, shall, to the number of twelve or more, notwithstanding such proclamation made, remain, or continue together by the space of half an hour after such command or request made by proclamation, that then such continuing together to the number of twelve or more, after such command or request made by proclamation, shall be adjudged felony, and the offenders therein shall be adjudged felons, and shall be liable to be transported for any term not exceeding seven years.

Punishment of persons not departing after proclamation made.

Punishment of persons obstructing justices, &c.

XIV. And be it further enacted, That if any person or persons do or shall, with force and arms, wilfully and knowingly oppose, obstruct, or in any manner wilfully and knowingly let, hinder, or hurt any justice of the peace, or other person authorized as aforesaid, or any person acting in aid or assistance of any justice of the peace who shall attend or disperse any such meeting as aforesaid, or shall be going to attend or to disperse any such meeting, or any justice of the peace or peace-officer, or any person or persons acting in aid or assistance of any justice of the peace or other officer who shall begin to proclaim or be going or endeavouring to make any proclamation authorized or directed to be made under the provisions of this Act, whereby such proclamation shall not be made; and also if any persons so being assembled as aforesaid, to whom any such proclamation as aforesaid should or ought to have been made, if the same had not been hindered as aforesaid, shall to the number of twelve or more, continue together, and not disperse themselves within half an hour after such let or

No. IV. 60 Geo. III. & 1 Geo. IV. c. 6.

hindrance so made, having knowledge of such let or hindrance so made; and also if any person so being at any such assembly as aforesaid shall, with force and arms, wilfully and knowingly oppose, obstruct, or in any manner wilfully and knowingly let, hinder, or hurt any justice of the peace or other magistrate, or any peace-officer or other person acting in their aid or assistance, in the arresting, apprehending, or taking into custody, or detaining, in execution of any of the provisions of this Act, any person or persons, or endeavouring so to do, that then and in every such case every person so offending, being thereof legally convicted, shall be adjudged guilty of felony, and be liable to be transported for any term not exceeding seven years.

Justices, &c. indemnified in case of killing or maiming.

XV. And be it further enacted, That if the persons assembled at any meeting or assembly held contrary to the provisions of this Act, or which shall become and be an unlawful assembly, under the provisions of this Act, or any of them, shall happen to be killed, maimed, or hurt, in the dispersing, or endeavouring to disperse, or arresting or apprehending or detaining them, or any of them, or in the endeavouring so to do, by reason of their resisting the persons so dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend them, that every such justice of the peace, sheriff, under sheriff, mayor, head officer, magistrate, high or petty constable, or other peace-officer, and all and singular persons being aiding and assisting to them, or any of them, shall be free, discharged, and indemnified, as well against the King's Majesty, his heirs and successors, as against all and every other person and persons, of, for, or concerning the killing, maiming, or hurting of any such person or persons so continuing together as aforesaid, that shall happen to be so killed, maimed, or hurt as aforesaid.

Act not to extend to any meeting held in a private room.

XVI. Provided always, and be it further enacted, That nothing hereinbefore contained shall extend, or be construed to extend, to any meeting or assembly which shall be wholly holden in any room or apartment of any house or building; any thing hereinbefore contained to the contrary notwithstanding.

Act not to extend to meetings for returning members to Parliament.

XVII. Provided also, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to any meeting held in any county, stewartry, city, borough, town, or place, returning any member to serve in Parliament, after the issuing and before the return of any writ for the election of any member to serve in Parliament for such county, stewartry, city, borough, town, or place.

Persons not to attend meetings with arms, weapons, &c.

XVIII. And be it further declared and enacted, That it shall not be lawful for any person to attend, proceed to, or be present at any meeting whatsoever, which shall be holden for the purpose or on the pretext of deliberating upon, or proceeding to deliberate upon any public grievance, or upon any matter or thing relating to any trade, manufacture, business, or profession, or upon any matter in church or state, or of considering, proposing, or agreeing to any petition, complaint, remonstrance, declaration, resolution, or address, on the subject thereof, armed with any gun, pistol, sword, dagger, pike, bludgeon, or other offensive weapon; and that every person who shall offend in the premises, shall, upon being convicted thereof, be fined and imprisoned for any term not exceeding two years, at the discretion of the court before which such conviction shall be had: Provided always, that nothing herein contained shall extend, or be construed to extend, to any justice of the peace, sheriff, under-sheriff, mayor, or other head-officer aforesaid, or to any peace-officer, or to any other person or persons acting in their aid or assistance, who shall attend, proceed to, or be present at any such meeting as aforesaid.

Persons not to attend meetings with flags, banners, and other ensigns or emblems.

XIX. And be it further enacted, That it shall not be lawful for any person to attend, proceed to, or be present at, or return from any meeting whatever, which shall be holden for the purpose or on the pretext of deliberating upon, or proceeding to deliberate upon any public grievance, or upon any matter or thing relating to any trade, manufacture, business, or profession, or upon any matter in church or state, or of considering, proposing, or agreeing to any petition, complaint, remonstrance, declaration, resolution, or address, on the subject thereof, with any flag, banner, or en-

sign, or displaying or exhibiting any device, badge, or emblem, or with any drum or military or other music, or in military array or order; and that every person who shall offend in the premises, shall, upon being convicted thereof, be fined and imprisoned for any term not exceeding two years, at the discretion of the court before which such conviction shall be had.

Sheriffs depute, &c. in Scotland to have the same powers as magistrates in England.

XX. And be it further enacted, That the sheriffs depute and their substitutes, stewards depute and their substitutes, justices of the peace, magistrates of royal burghs, and all other inferior judges and magistrates, and also all high and petty constables, or other peace officers of any county, stewartry, city, or town, within that part of the united kingdom called *Scotland*, shall have such and the same powers and authorities for putting this present Act in execution within *Scotland*, as the justices of the peace, and peace officers and constables aforesaid, respectively have, by virtue of this Act, within and for other parts of the united kingdom.

Justices at sessions may subdivide large parishes and townships for all the purposes of this Act.

XXI. And be it further enacted, That it shall be lawful for the justices of the peace assembled at any quarter or general sessions of the peace, in any case in which they shall deem it expedient for the purpose of preventing tumultuous meetings, to divide any parish or township within their jurisdiction, having a population exceeding, in the judgment of the said justices, twenty thousand inhabitants, into two or more divisions, for all the purposes of this Act, and to assign the boundaries of such divisions; and that a registry of such divisions so made, specifying and describing the boundaries so assigned, shall be entered with the clerk of the peace of the county, riding, or division within which such parish or township is situate, and a duplicate thereof shall be transmitted to the churchwardens and overseers of the poor, or to the minister and elders, or to the kirk session of the parish or township so divided, to be by them preserved and kept with the books of such parish or township, and copies thereof shall be put up, and from time to time (in case of the removal) replaced, upon the doors of the church of such parish or township; and when any such parish or township shall be so divided, each of such separate divisions shall for all the purposes of this Act, be deemed a separate parish or township; and all the clauses, provisions, regulations, matters and things in this Act contained, relating to any assemblies or meetings in parishes or townships, shall apply and be enforced, as to all such separate division of parishes or townships, as fully and effectually as if the same were severally and separately repeated and re-enacted in relation thereto: Provided always, that no such division shall contain a population, which in the judgment of the said justices shall consist of less than ten thousand persons.

Extra-parochial places to be deemed parishes for the purposes of this Act.

XXII. And be it further enacted, That every extra-parochial place shall be deemed and taken to be a parish or township, for all the purposes of this Act: and all the clauses, provisions, regulations, matters and things in this Act contained, relating to any assemblies or meetings in parishes or townships, shall apply and be enforced as to all extra-parochial places, as fully and effectually as if the same were severally and separately repeated and re-enacted in relation thereto.

Meetings may be held under this Act in certain parishes in Westminster within one mile of Westminster Hall gate, notwithstanding Act of 57 G. 3. c. 19.

XXIII. And whereas by an Act passed in the fifty-seventh year of the reign of his present Majesty, intituled, *An Act for the more effectually preventing Seditious Meetings and Assemblies*, certain regulations are enacted in relation to meetings in the city or liberties of *Westminster*, or county of *Middlesex*, which might prevent any meeting under the provisions of this Act in the parishes of *Saint John* and *Saint Margaret, Westminster*; Be it therefore enacted, That it shall be lawful to hold any meetings in such parishes respectively, which may be held under the provisions of this Act, within the distance of one mile from the gate of *Westminster Hall*, provided that the same shall not be held in *Old* or *New Palace Yard* at any time during the sitting of Parliament; any thing in the said recited Act to the contrary notwithstanding.

Act not to legalize notices, meetings, &c. now contrary to law.

XXIV. Provided always, and be it enacted and declared, That nothing herein contained shall be deemed or construed to render lawful any notice, or any assembly or meeting, or any act or thing which may be done at any assembly or meeting in pursuance of any such notice, or the attendance of

No. IV. 60 Geo. III. c. 6.

any person or persons, which notice, assembly, meeting, act, or attendance, would have been contrary to law if this Act had not been made.

XXV. And be it further enacted, That nothing in this Act contained shall extend to prevent any prosecution by indictment or otherwise, for any thing which may be an offence within the intent and meaning of this Act, and which might have been so prosecuted if this Act had not been made, unless the offender shall have been prosecuted for such offence under this Act, and convicted or acquitted of such offence.

Offenders may be indicted, if not prosecuted under this Act.

XXVI. And whereas it is expedient that houses and places used for the purpose of publicly delivering lectures, or of holding debates, should be regulated; Be it therefore enacted, That every house, room, field, or other place, at or in which any person shall publicly read, or at or in which any lecture or discourse shall be publicly delivered, or any public debate shall be had, on any subject whatever, for the purpose of raising or collecting money, or any other valuable thing, from the persons admitted, or to which any person shall be admitted by payment of money, or by any ticket or token of any kind delivered in consideration of money, or any other valuable thing, or in consequence of paying or giving, or having paid or given, or having agreed to pay or give, in any manner, any money or other valuable thing, or where any money or other valuable thing shall be received from any person admitted, either under pretence of paying for any refreshment or other thing, or under any other pretence, or for any other cause, or by means of any device or contrivance whatever, shall be deemed a disorderly house or place, unless the same shall have been previously licensed in manner hereinafter mentioned; and the person by whom such house, room, field, or place shall be opened or used, for any of the purposes aforesaid, shall forfeit the sum of one hundred pounds for every day or time that such house, room, field, or place shall be opened or used as aforesaid, to such person as will sue for the same, and be otherwise punished as the law directs in cases of disorderly houses; and every person managing or conducting the proceedings, or acting as moderator, president, or chairman, at such house, room, field, or place, so opened or used as aforesaid, or therein debating, publicly reading, or delivering any discourse or lecture; and also every person who shall pay, give, collect, or receive, or agree to pay, give, or receive any money or thing, for or in respect of the admission of any person into any such house, room, field, or place, or shall deliver out, distribute, or receive any such ticket or tickets, or token or tokens as aforesaid, knowing such house, room, field, or place to be opened or used for any such purpose as aforesaid, shall for every such offence forfeit the sum of twenty pounds.

Places for lectures or debates, unless previously licensed, deemed to be disorderly places; and persons punishable for paying or receiving money.

Penalty on persons by whom such places shall be opened.

XXVII. And be it further enacted, That every person who shall at any time hereafter appear, act, or behave him or herself as master or mistress, or as the person having the command, government, or management of any such house, room, field, or place as aforesaid, shall be deemed and taken to be a person by whom the same is opened or used as aforesaid, and shall be liable to be sued or prosecuted, and punished as such, notwithstanding he or she be not in fact the real owner or occupier thereof.

Prosecuting masters of such places.

XXVIII. And be it further enacted, That it shall be lawful for any justice or justices of the peace of any county, stewartry, city, borough, town, or place, who shall by information upon oath have reason to suspect that any house, room, field, or place, or any parts or part thereof, are or is opened or used for the purpose of publicly reading or delivering lectures or discourses, or for public debate contrary to the provisions of this Act, to go to such house, room, field, or place, and demand to be admitted therein; and in case such justice or justices shall be refused admittance to such house, room, field, or place, or any part thereof, the same shall be deemed a disorderly house or place, within the intent and meaning of this Act; and all and every the provisions herein-before contained respecting any house, room, field, or place herein-before declared to be a disorderly house or place, shall be applied to such house, room, field, or place, where such admittance shall have been refused as aforesaid; and every person refusing such admittance shall forfeit the sum of twenty pounds.

Magistrates may demand admission to unlicensed places:

Penalty for refusal, 20*l.*

XXIX. Provided nevertheless, and be it further enacted, That it shall

Justices may

be lawful for two or more justices of the peace for the county, riding, division, stewartry, city, borough, town, or place, where any house, room, or other buildings shall be intended to be opened for any of the purposes aforesaid, by writing under their hands and seals, at the quarter or general sessions of the peace, or at any special session to be held for the particular purpose, to grant a licence, to any person or persons desiring the same, to open such house, room, or other building for the purpose of delivering, for money, any such public reading, lectures, or discourses as aforesaid, or for the purpose of holding debates on any subjects, the same being clearly expressed in such licence, for which licence a fee of one shilling and no more shall be paid; and the same shall be in force for the space of one year and no longer, or for any less space of time therein to be specified; and which licence it shall be lawful for the justices of the peace of the same county, stewartry, city, borough, town, or place, at any general quarter or general sessions of the peace, to revoke and declare void and no longer in force, by any order of such justices, a copy whereof shall be delivered to or served upon the person to whom the said licence so revoked shall have been granted, or shall be left at the house, room, or building for which such licence shall have been granted; and thereupon such licence shall cease and determine, and be thenceforth utterly void and of no effect.

license places for lectures, &c.

XXX. Provided always, and be it enacted, That it shall be lawful for any justice or justices of the peace of any county, stewartry, city, borough, town, or place, where any such house, room, or other building shall be licensed as herein provided, to go to such house, room, or building so licensed, at the time of any such public reading, or delivering any such lecture or discourse, or of holding any debate therein as aforesaid, or at the time appointed for any such public reading, or delivering any such lecture or discourse, or of holding any debate, and demand to be admitted therein; and in case such justice or justices shall be refused admittance to such house, room, or building, the same shall be deemed, notwithstanding any such licence as aforesaid, a disorderly house or place within the meaning of this Act; and all and every the provisions herein-before contained respecting any house, room, field, or place, herein-before declared to be a disorderly house or place, shall be applied to such house, room, or building so licensed as aforesaid, where such admittance shall have been refused as aforesaid; and every person refusing such admittance shall forfeit the sum of twenty pounds to any person who shall sue for the same.

Justices may inspect licensed places:

Penalty for refusing admittance, 20*l.*

XXXI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to any lecture or discourses to be delivered in any of the universities of the united kingdom, by any member thereof, or any person authorized by the chancellor, vice-chancellor, or other proper officers of such universities respectively; or to any public reading or lecture, or discourse, to be delivered in the public hall of any of the inns of court or chancery, by any person authorized by the benchers of the inns of court; or by the professors in *Gresham* college; or to the professors in the college established for the education of the civil servants of the *East India* company, or the seminaries established for the education of their military service; or to any society or body of men incorporated or established by Royal Charter, or by authority of Parliament; and that no payment made to any schoolmaster, or other person by law allowed to teach and instruct youth, in respect of any public readings, or lectures or discourses, delivered by such schoolmaster or other person, for the instruction only of such youth as shall be committed to his instruction, shall be deemed a payment of money for admission to public readings, or such lectures or discourses, within the intent and meaning of this Act.

Lectures at the universities, inns of court, Gresham college, &c. excepted.

XXXII. Provided also, and be it enacted, That it shall be lawful for any two justices of the peace, acting for any county, stewartry, riding, division, city, town, or place, upon evidence on oath that any house, room, or place, so licensed and opened as aforesaid, is commonly used for the purpose of public reading or delivering lectures or discourses of a seditious, irreligious, or immoral tendency, to adjudge and declare the licence for

Forfeiture of licence in case of seditious or immoral lectures.

No. IV. 60 Geo. III. c. 6.

opening the same to have been forfeited; and such licence shall thereupon cease and determine, and shall thenceforth be utterly void and of no effect.

Recovery of penalties.

XXXIII. And be it further enacted, That all or any of the pecuniary fines, penalties, or forfeitures, exceeding the sum of twenty pounds, incurred under this Act in that part of *Great Britain* called *England*, or in *Ireland*, may be recovered by action of debt in any of his Majesty's Courts of Record at *Westminster* and *Dublin* respectively, and in *Scotland* in the Court of Session there; and it shall be sufficient to declare in that part of *Great Britain* called *England*, and in *Ireland*, or conclude in *Scotland*, that the defendant or defender is indebted to the plaintiff or pursuer in the sum of (being the sum demanded by the said action), being forfeited by an Act made in the sixtieth year of the reign of his present Majesty, intituled *An Act [here insert the Title of this Act]*; and the plaintiff or pursuer, if he shall recover in such action, shall have his full costs or expences; and any pecuniary penalty imposed by this Act, not exceeding the sum of twenty pounds, and for the recovery whereof no provision is herein-before contained, shall and may be recovered before any justice or justices of the peace for the county, stewartry, riding, division, city, town, or place, in which the same shall be incurred, or the person having incurred the same, shall happen to be, in a summary way; and in case such last-mentioned penalty shall not be forthwith paid, such justice or justices shall, by warrant under his or their hand and seal or hands and seals, and directed to any constable or other peace officer, cause the same to be levied by distress and sale of the offender's goods and chattels, together with all costs and charges attending such distress and sale; and in case no sufficient distress can be had or made, such justice or justices shall commit the offender to the common gaol or house of correction for such county, stewartry, riding, division, city, borough, town, or place, there to remain, without bail or mainprize, for any time not exceeding six calendar months, nor less than three calendar months: Provided always, that no person shall be prosecuted or sued for any pecuniary penalty imposed by this Act, unless such prosecution shall be commenced, or such action shall be brought, within three calendar months next after such penalty shall have been incurred.

Application of penalties.

XXXIV. And be it further enacted, That all pecuniary penalties and forfeitures imposed by this Act, shall when recovered, either by action in any court or in a summary way before any justice, be applied and disposed of in manner hereinafter mentioned, that is to say, one moiety thereof to the plaintiff in any such action, or to the informer before any justice, and the other moiety thereof to his Majesty, his heirs and successors.

Form of conviction.

XXXV. And be it further enacted, that the justice or justices of the peace by or before whom any offender shall be convicted under this Act, shall cause the said conviction to be made out in the manner and form following, or in any other form of words to the like effect, *mutatis mutandis*; that is to say,

'BE it remembered, That on this day of in the
'year of the reign of , *A. B.* of is duly con-
'victed before [me *or* us, *as the case may be*] of his Majesty's
'justices of the peace for , in pursuance of an Act passed in
'the sixtieth year of the reign of King *George* the Third, intituled *An*
'*Act* [*set forth the title of the Act*], for that the said *A. B.*, after the pass-
'ing the said Act, on at
'did contrary to the said Act [*here specify the offence against the Act,*
'*as the case may be*]; wherefore [I *or* we, *as the case may be*], the said
' do adjudge that the said *A. B.* do pay the sum of
' as a penalty for his said offence.'

Limitation of actions.

XXXVI. And be it further enacted, That any action and suit which shall be brought or commenced against any justice or justices of the peace, constable, peace officer, or other person or persons, in that part of *Great Britain* called *England*, or in *Ireland*, for any thing done or acted in pur-

suance of this Act, shall be commenced within six calendar months next after the fact committed, and not afterwards; and the venue in every such action or suit shall be laid in the proper county where the fact was committed, and not elsewhere; and the defendant or defendants in every such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and if such action or suit shall be brought or commenced after the time limited for bringing the same, or the venue shall be laid in any other place than as aforesaid, then the jury shall find a verdict for the defendant or defendants; and in such case, or if the jury shall find a verdict for the defendant or defendants upon the merits, or if the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her, or their actions after appearance, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have double costs, which he or they shall and may recover in such and the same manner as any defendant can by law in other cases.

Double costs.

XXXVII. And be it further enacted, That every action and suit which shall be brought or commenced against any person or persons in *Scotland*, for any thing done or acted in pursuance of this Act, shall in like manner be commenced within six calendar months after the fact committed, and not afterwards, and shall be brought in the Court of Session in *Scotland*, and the defender or defenders may plead that the matter complained of was done in pursuance of this Act, and may give this Act and the special matter in evidence; and if such action or suit shall be brought or commenced after the time limited for bringing the same, then the same shall be dismissed; and in such case, or if the defender or defenders shall be assoilzied, or the pursuer or pursuers shall suffer the action or suit to fall asleep, or a decision shall be pronounced against the pursuer or pursuers upon the relevancy, the defender or defenders shall have double costs or expences, which he or they shall and may recover in such and the same manner as any defender can by law recover costs or expences in other cases.

Limitation of actions, &c. in Scotland.

Double costs.

XXXVIII. Provided always, and be it further enacted, That no person shall be prosecuted, by virtue of this Act, for any thing done or committed contrary to the provisions herein-before contained, unless the prosecution shall be commenced within six calendar months after the offence committed.

Prosecutions to be commenced within six months after offences.

XXXIX. And be it further enacted, That this Act may be altered, varied, or repealed, by any Act to be passed in this present Session of Parliament.

Act may be altered or repealed this session.

XL. And be it further enacted, That this Act shall commence and have effect within the city of *London*, and within twenty miles thereof, from the day next after the day of passing this Act, and shall commence and have effect within all other parts of the kingdom, from the expiration of ten days next after the day of passing this Act; and shall be and continue in force for five years from the day of passing this Act, and until the end of the then next Session of Parliament.

Commencement and continuance of the Act.

[No. V.] 1 Geo. IV. c. 47.—An Act to revive and to continue for two Years, and from thence until the End of the then next Session of Parliament, two Acts, made in the forty-seventh and fiftieth Years of the Reign of his late Majesty King *George* the Third, for the preventing improper Persons from having Arms in *Ireland*. [15*th July*, 1820.]

WHEREAS, an Act was made in the forty-seventh year of the reign of his late Majesty King *George* the Third, intituled, *An Act to prevent improper Persons from having Arms in* Ireland, to continue in force from the passing thereof for two years, and from thence until the end of the then next Session of Parliament: And whereas, by an Act made in the

47 G. 3. s. 2. c. 54. 50 G. 3. c. 109.

No. V. 1 Geo. IV. c. 47.

fiftieth year of his said late Majesty's reign, the said recited Act of the forty-seventh year was continued for two years, and from thence until the end of the then next Session of Parliament, and was amended: And whereas by an Act made in the fifty-third year of the reign of his said late Majesty, the said recited Acts of the forty-seventh and fiftieth years were continued for two years, and from thence until the end of the then next Session of Parliament: And whereas by an Act made in the fifty-seventh year of the reign of his said late Majesty, the said recited Acts of the forty-seventh and fiftieth years were revived and continued for two years, and from thence until the end of the then next Session of Parliament: And whereas by an Act made in the last Session of Parliament, intituled, *An Act to continue, until the twenty-fifth Day of* June *one thousand eight hundred and twenty, such Laws as may expire within a limited Period*, it was enacted, that all laws then in force, and which would expire at the end of that Session of Parliament, should be and continue in full force, to all intents and purposes, until the twenty-fifth day of *June* one thousand eight hundred and twenty: And whereas it is expedient that the said two recited Acts of the forty-seventh and fiftieth years of the reign of his said late Majesty King *George* the Third, should be revived and further continued: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That the said recited Act of the forty-seventh year of the reign of his late Majesty King *George* the Third, as the said Act is amended by the said recited Act of the fiftieth year of the reign of his said late Majesty, and also the said recited Act of the said fiftieth year, shall be, and the said two recited Acts are hereby revived and further continued, and shall be and remain and continue in force for two years from the passing of this Act, and from thence until the end of the then next Session of Parliament.

60 G. 3. and 1 G. 4. c. 12.

47 G. 3. s. 2. c. 54. and 50 G. 3. c. 109. further continued for two years, &c.

Part VI.—Class XXXI.

SERVANTS.*

* Under this Title I have only included those Statutes which appeared to have a considerable Application in point of Extent and Importance; it not being the general Plan of the Work to embrace Statutes applicable only to particular Trades; to which the particular Instances included in this Class are therefore an Exception.

[No. I.] 5 Eliz. c. 4.—An Act containing divers Orders for Artificers, Labourers, Servants of Husbandry, and Apprentices.

[Inserted ante. Title *Apprentices*, Cl. II. No. 1.]

[No. II.] 1 Anne, stat. 2. c. 18.—An Act for the more effectual preventing the Abuses and Frauds of Persons

employed in the working up the Woollen, Linen, Fustian, Cotton, and Iron Manufactures of this Kingdom.

No. II.

1 Anne, st. 2. c. 18.

Explained and amended by 13 Geo. 2. c. 8.

'WHEREAS many frauds are daily committed by persons employed in the working up of the woollen, linen, fustian, cotton, and iron manufactures within this kingdom, by embezzling and purloining of the materials with which they are intrusted, to the great prejudice of trade and commerce;' Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the twenty-fourth day of *June* one thousand seven hundred and three, if any person or persons employed in the working up the woollen, linen, fustian, cotton, or iron manufactures within this kingdom, shall embezzle or purloin any wefts, thrums, or ends of yarn, or any other materials of wool, hemp, flax, cotton, or iron, with which he, she, or they is or shall be intrusted to work upon, or shall reel short or false yarn, being thereof lawfully convicted by the oath of one or more credible witness or witnesses, or by the confession of the party or parties accused of the same, before one justice of the peace of the said county where such offence shall be committed, shall forfeit double the value of the damages done, for the use of the poor of the said parish: And in case the offender or offenders so convicted as aforesaid, shall neglect or refuse to pay their forfeiture or forfeitures as aforesaid, that then it shall and may be lawful for the said justice to cause the said offender to be committed to the house of correction, until satisfaction shall be made: And in case it shall appear to the said justice, that the said offender is not able to make satisfaction, then the said offender shall be there publickly whipped, and kept to hard labour, for any time not exceeding fourteen days.

Penalty on persons employed in the woollen or linen manufactures, &c. and embezzling the same.

II. And be it further enacted by the authority aforesaid, That every person or persons buying or receiving any wefts, thrums, or ends of yarn, or any other materials of wool, hemp, flax, cotton, or iron, and being thereof lawfully convicted, in manner as aforesaid, shall suffer the like penalties and forfeitures, as one convicted, pursuant to this Act, for purloining and embezzling of the said materials.

The like on persons buying, &c. such goods embezzled.

III. And to prevent the oppression of the labourers and workmen employed in the woollen, linen, fustian, cotton, and iron manufacture, Be it enacted by the authority aforesaid, That all payments and satisfaction hereafter to be made to any of the same labourers and workmen, for any work by them done in the same manufacture, shall be by the lawful coin of this realm, and not by any cloth, victuals, or commodities, in lieu thereof: And all wool delivered out to be wrought up, shall be so delivered, with declaration of the true weight thereof; on pain that every offender, in either of the said cases, shall forfeit and pay to such labourer or worker, double the value of what shall be due for such work by him, her, or them done; and if any such labourer or worker shall be guilty of any such fraud or default in the work by him, her, or them done, then such labourer or worker shall allow and answer to the owner of such work double the damages thereby sustained.

Labourers and workmen to be paid in money.

All wool to be wrought shall be delivered out by weight.

IV. And be it further enacted by the authority aforesaid, That all wages, demands, frauds and defaults of labourers in the woollen, linen, fustian, cotton, and iron manufactures, for or concerning any work done in the same manufactures, shall and may be heard and determined by any two justices of the peace of the county, riding, division, city, or town corporate, where the matter in controversy ariseth, who are hereby impowered to summon and examine witnesses on oath concerning the same: But in case any person shall think himself aggrieved by any judgment or order of the said justices, it shall and may be lawful for such person to appeal against the judgment and order of the said two justices, to the justices of the peace in the general quarter sessions of the peace, which shall be held for the same county, riding, division, city, or town corporate, next after notice of such order of the said two justices; and the justices of the peace in the said general quarter sessions, are hereby impowered to summon and examine witnesses on oath, and to hear and finally determine the

How wages, frauds, &c. of labourers may be heard and determined.

Party aggrieved may appeal.

No II. 1 Anne, st. 2. c. 18.

matter of the said appeal; and in case the same justices, in the said general quarter-sessions, shall give judgment against such appellant, then the same justices shall award and order to the party, on whose behalf the same appeal is determined, such reasonable costs and charges to be paid by such appellant, in regard of such appeal, as to the same justices shall seem meet.

Act to continue for three years.

V. Provided also, and be it further enacted, that this Act shall continue for the space of three years, to be commenced from the said twenty-fourth day of *June* one thousand seven hundred and three, and from thence to the end of the next Session of Parliament, and no longer. [Made perpetual by 9 Annæ, cap. 30.]

[No. III.] 6 Anne, c. 31.—An Act for the better preventing Mischiefs that may happen by Fire.

No. III. 6 Anne, c. 31.

Servants who through negligence fire any house, &c. to forfeit 100*l.* or be sent to the workhouse for 18 months.

III. 'AND whereas fires often happen by the negligence and carelessness of servants;' Be it therefore enacted by the authority aforesaid, That if any menial or other servant or servants, through negligence or carelessness, shall fire or cause to be fired any dwelling-house or outhouse or houses, such servant or servants being thereof lawfully convicted by the oath of one or more credible witnesses made before two or more of her Majesty's justices of the peace, shall forfeit and pay the sum of one hundred pounds unto the churchwardens of such parish where such fire shall happen, to be distributed amongst the poor sufferers by such fire, in such proportions as to the said churchwardens shall seem just; and in case of default or refusal to pay the same immediately after such conviction, the same being lawfully demanded by the said churchwardens, that then and in such case such servant or servants shall, by warrant under the hand of two or more of her Majesty's justices of the peace, be committed to some workhouse or house of correction, as the said justices shall think fit, for the space of eighteen months, there to be kept to hard labour.

[No. IV.] 12 George I. c. 34.—An Act to prevent unlawful Combinations of Workmen employed in the Woollen Manufactures, (1) and for better Payment of their Wages.

No. IV. 12 Geo. I. c. 34.

'WHEREAS great numbers of weavers, and others concerned in the woollen manufactures in several towns and parishes in this kingdom, 'have lately formed themselves into unlawful clubs and societies, and have 'presumed, contrary to law, to enter into combinations, and to make by-'laws or orders, by which they pretend to regulate the trade and the 'prices of their goods, and to advance their wages unreasonably, and 'many other things to the like purpose: And whereas the said persons so 'unlawfully assembling and associating themselves have committed many 'violences and outrages upon many of his Majesty's good subjects, and by 'force protected themselves and their wicked accomplices against law and 'justice; and it is absolutely necessary that more effectual provision should 'be made against such unlawful combinations, and for preventing such 'violences and outrages for the future, and for bringing all offenders in the 'premises to more speedy and exemplary justice;' May it therefore please your most excellent Majesty, that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That all contracts, covenants or agreements, and all by-laws, ordinances, rules or orders, in such unlawful clubs and societies, heretofore made or entered into, or

All combinations of woolcombers and weavers illegal.

(1) The general provisions of this Act are extended to several other trades by stat. 22 Geo. II. c. 40. post.

No. IV. 12 Geo. I. c. 34.

hereafter to be made or entered into, by or between any persons brought up in or professing, using, or exercising the art and mystery of a woolcomber or weaver, or journeyman woolcomber or journeyman weaver, in any parish or place within this kingdom, for regulating the said trade or mystery, or for regulating or settling the prices of goods, or for advancing their wages, or for lessening their usual hours of work, shall be and are hereby declared to be illegal, null and void to all intents and purposes; and further, that if any woolcomber or weaver, or journeyman woolcomber or journeyman weaver, or other person concerned in any of the woollen manufactures of this kingdom, shall, at any time or times after the twenty-fourth day of *June* in the year of our Lord one thousand seven hundred and twenty-six, keep up, continue, act in, make, enter into, sign, seal, or be knowingly concerned in any contract, covenant or agreement, by-law, ordinance, rule or order of any club, society, or combination by this Act declared to be illegal, null and void, or shall presume or attempt to put any such illegal agreement, by-law, ordinance, rule or order in execution, every person so offending being thereof lawfully convicted upon the oath or oaths of one or more credible witness or witnesses, before any two or more justices of the peace for the county, city, town or place where such offence shall be committed, upon any information exhibited or prosecution within three calendar months after the offence committed (which oaths the said justices are hereby impowered and required to administer) shall, by order of such justices, at their discretion be committed either to the house of correction, there to remain and be kept to hard labour for any time not exceeding three months, or to the common gaol of the county, city, town or place where such offence shall be committed, as they shall see cause, there to remain, without bail or mainprize, for any time not exceeding three months.

Woolcombers, &c. convicted of keeping up such combinations, may be committed for three months.

II. And be it further enacted by the authority aforesaid, That if any person actually retained or employed as a woolcomber or weaver, or servant in the art or mystery of a woolcomber or weaver, shall, at any time or times after the twenty-fourth day of *June* in the year of our Lord one thousand seven hundred and twenty-six, depart from his service before the end of the time or term for which he is or shall be hired or retained, or shall quit or return his work before the same shall be finished according to agreement, unless it be for some reasonable or sufficient cause, to be allowed by two or more justices of the peace within their respective jurisdictions; then in every such case every person so offending, being thereof lawfully convicted before two or more justices of the peace as aforesaid, shall be committed to the house of correction, there to be kept to hard labour for any time not exceeding three months; and if any woolcomber, weaver, servant or person hired, retained or employed in the art or mystery of a woolcomber or weaver, shall wilfully damnify, spoil or destroy (without the consent of the owner) any of the goods, wares or work committed to his care or charge, or wherewith he shall be intrusted, every such offender, being thereof lawfully convicted as aforesaid, shall forfeit and pay to the owner or owners of such goods or wares so damnified, spoiled or destroyed, double the value thereof, to be levied by distress and sale of the offenders goods and chattels, by warrant or warrants under the hands and seals of any two or more justices of the peace within their respective jurisdictions, and for want of sufficient distress, such justices shall commit the party or parties offending to the house of correction, there to remain and be kept to hard labour for any time not exceeding three months, or until satisfaction be made to the party or parties aggrieved for the same.

Quitting service before the time for which hired, to be committed.

Spoiling the work, to pay double the value, &c.

III. And be it enacted by the authority aforesaid, That every clothier, sergemaker or woollen or worsted stuffmaker, or person concerned in making any woollen cloths, serges, or stuffs, or anywise concerned in employing woolcombers, weavers or other labourers in the woollen manufactory, shall, and they are hereby obliged and required to pay unto all persons by them employed in the woollen manufacture, the full wages or other price agreed on in good and lawful money of this kingdom, and shall not pay the said wages or other price agreed on, or any part thereof, in goods or by way of truck, or in any other manner than in money as aforesaid,

Clothiers, &c. to pay wages in money.

Farther provisions relating to such wages, 13 G. 1. c. 23. sect. 5, 6, 9, 17.

No. IV. 12 Geo. I. c. 34.

or make any deduction from such wages or price, for or on account of any goods sold or delivered previous to such agreement by any person or persons whatsoever; and for more easy recovering the said wages or price agreed on, it shall be lawful for any two or more justices of the peace within their respective jurisdictions, and they are hereby authorized and required, upon complaint made for that purpose, to summon before them the party or parties offending, and for non-payment of such wages or price agreed on in money as aforesaid, or sufficient satisfaction given for the same to the good-liking of the party or parties aggrieved, to issue their warrant or warrants under their hands and seals for levying such wages or price agreed on, due as aforesaid, by distress and sale of the offenders goods and chattles, rendering the overplus to the owner, and for want of sufficient distress to commit the party or parties offending to the common gaol of the county, city, town or place where such offence shall be committed, there to remain without bail or mainprize for the space of six months, until he, she, or they shall pay such wages or price agreed on in money as aforesaid, or give full satisfaction for the same to the good-liking of the party grieved.

Justices on complaint to issue warrants for levying wages, &c.

IV. And be it further enacted by the authority aforesaid, That if any clothier, sergemaker, woollen or worsted stuffmaker, or person concerned in making any woollen cloths, serges or stuffs, or any ways concerned in employing woolcombers, weavers or other labourers in the woollen manufactory as aforesaid, shall pay any person or persons employed by them, their wages or other price agreed on, or any part thereof, either in goods or by way of truck, or in any other manner than in money as aforesaid, contrary to the true intent and meaning of this Act; every person so offending shall also forfeit and pay the sum of ten pounds; one moiety thereof to the informer, and the other moiety to the party or parties aggrieved, to be levied by distress and sale of the offenders goods as aforesaid, rendering the overplus (if any be) to the owner.

Clothiers paying wages in goods, &c. forfeit 10*l*.

V. Provided always, That it shall and may be lawful for any person aggrieved by any order or orders to be made by any two or more justices of the peace as aforesaid, to appeal to the justices of the peace assembled at the next general quarter-sessions to be holden for the county, city, division, parish or place where such order shall be made, giving reasonable notice of such appeal, the reasonableness of which notice shall be determined by the justices of the peace at the quarter-sessions to which the appeal is made; and if it shall appear to them, that reasonable time of notice was not given, then they shall adjourn the said appeal to the next quarter-sessions and then and there finally hear and determine the same; and the justices who in the general quarter-sessions shall hear the matter, shall have power to award reasonable costs to either party, as to them shall seem just.

Appeal to the quarter-sessions.

VI. And be it enacted by the authority aforesaid, That if any person or persons shall, after the twenty-fourth day of *June* in the year of our Lord one thousand seven hundred and twenty-six, assault or abuse any master woolcomber or master weaver, or other person concerned in any of the woollen manufactures of this kingdom, whereby any such master, or other person, shall receive any bodily hurt, for not complying with, or not conforming, or not submitting to any such illegal by-laws, ordinances, rules or orders as aforesaid; or if any person or persons shall write or cause to be written, or knowingly send or cause to be sent, any letter, or other writing or message, threatening any hurt or harm to any such master woolcomber or master weaver, or other person concerned in the woollen manufacture, or threatening to burn, pull down or destroy any of their houses or outhouses, or to cut down or destroy any of their trees, or to maim or kill any of their cattle, for not complying with any demands, claims or pretences of any of his or their workmen, or others employed by them in the said manufacture, or for not conforming, or not submitting to any such illegal by-laws, ordinances, rules or orders as aforesaid; every person so knowingly and wilfully offending in the premisses, being thereof lawfully convicted upon any indictment to be found within twelve calendar months next after any such offence committed, shall be adjudged guilty of felony, and shall be transported for seven years to some or one of his Majesty's co-

Assaulting or threatening masters, &c. felony.

lonies or plantations in *America*, by such ways, means and methods, and in such manner and under such pains and penalties, as felons in other cases are by law to be transported.

No. IV. 12 Geo. I. c. 34.

VII. And be it further enacted by the authority aforesaid, That if any person or persons shall, by day or by night, break into any house or shop, or enter by force into any house or shop, with intent to cut or destroy any serge or other woollen goods in the loom, or any tools employed in the making thereof, or shall wilfully or maliciously cut or destroy any such serges or woollen goods in the loom or on the rack, or shall burn, cut or destroy any rack on which any such serges or other woollen goods are hanged in order to dry, or shall wilfully and maliciously break or destroy any tools used in the making any such serges or other woollen goods, not having the consent of the owner so to do, every such offender, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as in case of felony, without benefit of clergy.

Breaking into a shop to cut any serges, &c. felony.

VIII. 'And whereas the mysteries of combing of jersey or wool, and of 'frame-work knitting and making of stockings, are considerable branches 'of the woollen manufactures of this kingdom:' Be it enacted by the authority aforesaid, That this Act, and all the clauses, provisoes, pains, penalties and forfeitures therein contained, shall extend, and be construed and adjudged to extend, to combers of jersey and wool, to frame-work knitters and weavers or makers of stockings, and to all persons whatsoever employed or concerned in any of the said manufactures, in as full and ample manner as any other part of the woollen manufacture is provided for by this Act; and the pains, penalties and forfeitures which shall be incurred by virtue hereof, shall be inflicted, levied and taken in the same manner as the pains, penalties and forfeitures before-mentioned in this Act are directed, ordered and appointed.

This Act to extend to combers and frame-work knitters.

[No. V.] 13 George I. c. 23.—An Act for the better Regulation of the Woollen Manufacture, and for preventing Disputes among the Persons concerned therein; and for limiting a Time for prosecuting for the Forfeiture appointed by an Act of the twelfth Year of his Majesty's Reign, in case of Payment of the Workmen's Wages in any other Manner than in Money.

No. V. 13 Geo. I. c. 23.

V. AND be it enacted, That all disputes and demands relating to work, wages or damages between any clothier or maker of woollen goods, or goods mixt with wool, and any weaver or other person or persons employed in such manufactures, shall be heard and determined by two or more justices of the peace for the county, division or place where such dispute or demand shall arise, who are hereby required and authorized, upon complaint to them made, to summon the parties, and to hear and examine upon oath, and adjudge such satisfaction, and to give such costs and damages to the party aggrieved, as in their discretion shall seem reasonable, and to issue their warrant or warrants to levy such costs and damages by distress and sale of the goods and chattels of such person or persons, who shall refuse for the space of ten days, to pay such costs and damages by them so adjudged; and for want of a sufficient distress, to commit the party to the county gaol or house of correction for any time not exceeding the space of three months, or until satisfaction shall be made by the party so offending.

How disputes relating to wages or damages shall be heard.

VI. Provided always, That it shall and may be lawful for any person aggrieved by any order of such justices, to appeal to the justices of the peace at the next general quarter-sessions to be holden for the county, division or place where such order shall be made, giving six days notice in writing of such appeal; and the justices in their quarter-sessions are hereby authorized and required to hear and determine the matter of such appeal, and make such order, and to award such costs and damages, as to them in their discretion shall seem reasonable, and to levy, by their order or warrants, such costs and damages so awarded, by distress

Appeal to the quarter-sessions, &c.

No. V. 13 Geo. I. c. 23.

and sale of the goods and chattels of any person or persons who shall refuse to obey the same; and for want of sufficient distress, to commit the party to the county gaol or house of correction for any time not exceeding three calendar months, or until satisfaction shall be made by the parties offending; and such award or order of the justices at the quarter-sessions shall be final, nor shall the proceedings of any justice or justices out of sessions, or of the justices in their sessions, in pursuance of this Act, be liable to be removed by *certiorari* or other form or process of law; any thing in this present or any other Act or Acts contained to the contrary notwithstanding.

Prosecutions on the Act 12 Geo. to be commenced within three months after offence committed.

XVI. And whereas, by an Act passed in the twelfth year of the reign of his present Majesty, intituled, *An Act to prevent unlawful Combinations of Workmen employed in the Woollen Manufactures, and for the better Payment of their Wages*, it is enacted, That if any clothier, sergemaker, woollen or worsted stuff-maker, or person concerned in making any woollen cloths, serges or stuffs, or any way concerned in employing woolcombers, weavers or other labourers in the woollen manufactures as aforesaid, shall pay any person or persons employed by them, their wages or other price agreed on, or any part thereof, either in goods, or by way of truck, or in any other manner than in money, every person so offending shall forfeit and pay the sum of ten pounds.

XVII. 'And whereas by the said Act no time is limited for prosecuting 'for such offence as aforesaid,' Be it therefore enacted by the authority aforesaid, That every prosecution for such offence, by virtue of the said recited Act, shall be commenced within the space of three months next after such offence committed, and not otherwise.

[No. VI.] 13 George II. c. 8.—An Act to explain and amend an Act made in the first Year of the Reign of her late Majesty Queen *Anne*, intituled, *An Act for the more effectual preventing the Abuses and Frauds of Persons employed in the working up the Woollen, Linen, Fustian, Cotton and Iron Manufactures of this Kingdom*; and for extending the said Act to the Manufactures of Leather.

No. VI. 13 Geo. II. c. 8.

1 Anne, st. 2. c. 18.

'WHEREAS by an Act made in the first year of the reign of her late 'Majesty Queen *Anne*, intituled, *An Act for the more effectual pre-* 'venting the Abuses and Frauds of Persons employed in the working up the 'Woollen, Linen, Fustian, Cotton, and Iron Manufactures of this King-'dom; it is amongst other things enacted, That if any person or persons 'employed in working up of woollen, linen, fustian, cotton, or iron ma-'nufactures, should embezzle or purloin any wefts, thrumbs, or ends of 'yarn, or any other materials of wool, hemp, flax, cotton, or iron, with 'which he, she, or they was, were, or should be intrusted to work upon, 'or should reel short or false yarn, and should be thereof convicted in such 'manner as in and by the said Act is prescribed, should forfeit double the 'value of the damages done, for the use of the poor of the said parish; 'and in case the offender or offenders to be convicted as in the said Act is 'mentioned, should neglect or refuse to pay their forfeiture or forfeitures, 'that then it should and might be lawful to and for one justice of the peace 'of the county where such offence shall be committed, to cause the said 'offender to be committed to the house of correction, until satisfaction 'should be made; and in case it should appear to the said justice, that the 'said offender was not able to make satisfaction, then the said offender is 'to be there publickly whipped, and kept to hard labour for any time not 'exceeding fourteen days: And by the said Act it is further enacted, That 'every person buying or receiving any wefts, thrumbs, or ends of yarn, or 'any other materials of wool, hemp, flax, cotton, or iron, and being 'thereof lawfully convicted in manner as in the said Act is mentioned, 'shall suffer the like penalties and forfeitures as one convicted pursuant to 'the said Act for purloining and embezzling of the said materials; which 'said Act was made temporary only; but being by experience found to be 'beneficial, was, by another Act passed in the ninth year of the reign of

'her said late Majesty, made perpetual: And whereas doubts have arisen, 'whether the before-mentioned clauses in the said Act of the first year of 'the reign of her said late majesty extend to the embezzling woollen, 'linen, fustian, cotton, and iron manufactures actually wrought or made 'up into merchantable wares, and whether the said forfeiture of double 'the value of the damages done, when recovered, should be applied 'for the use of the poor of the parish where the persons injured shall 'respectively live, or for the use of the poor of the parish in which the of-'fence has been or shall be committed: And whereas the forfeitures and pe-'nalties to which offenders are subjected by the recited Act, have proved 'ineffectual to answer the purposes thereby intended;' Now to explain and amend the said Act, so far as the same relates to the matters aforesaid, Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That if any person or persons who shall be hired or employed in the working up of any woollen, linen, fustian, cotton, or iron manufactures, shall after the first day of *May* one thousand seven hundred and forty, purloin, embezzle, secrete, sell, pawn, exchange, or otherwise illegally dispose of any the materials with which he, she, or they shall be respectively intrusted to work up such woollen, linen, fustian, cotton, or iron manufactures, whether the same or any part thereof be or be not first wrought, made up, or manufactured, or shall reel short or false yarn, the person or persons so offending, and being thereof convicted in manner and form as is prescribed by the said recited Act for the conviction of persons who shall embezzle or purloin any of the materials therein mentioned, he, she, or they shall severally forfeit double the value of the damages, which the owner or owners of such materials, whether the same or any part thereof be or be not manufactured, shall respectively sustain thereby, together with such costs of prosecution, for every such offence as shall be adjudged reasonable by the justice of the peace, before whom such offender or offenders respectively shall be convicted; and in case immediate payment of the respective forfeitures, together with such costs of prosecution as aforesaid, shall be neglected or refused to be made, that then it shall and may be lawful to and for the same justice of the peace, before whom such conviction shall be made, to cause the said offender or offenders to be committed to the house of correction, to be there whipped, and kept to hard labour for any time not exceeding fourteen days; and in case of a further conviction for or on a second or other subsequent offence of any person, for embezzling or purloining any of the materials in the said Act mentioned, either before the same or any part thereof shall be wrought, made up, or converted into merchantable wares, the person or persons so offending shall, for every second or other subsequent offence, being thereof convicted in manner as is mentioned in the said recited Act, forfeit four times the value of the damages, which the owner or owners of such materials, whether the same be or be not wrought, made up or manufactured respectively, shall sustain thereby, together with such costs of prosecution as shall be adjudged reasonable by the justice before whom such offender or offenders shall be thereof respectively convicted; and in case immediate payment of the respective forfeitures, together with such costs of prosecution as aforesaid, shall be neglected or refused to be made, that then such justice, or any other justice of the peace for the county, riding, division, city, town, or place, where such offences shall be committed, shall cause the said offenders respectively to be committed to the house of correction, to be there kept to hard labour for any time not exceeding three months, nor less than one month, as to such justice shall seem reasonable; and also during the time of such offender or offenders respective commitment or commmitments, shall cause the said offender or offenders to be publickly whipped in the market town where such offender or offenders shall be respectively committed, at the market place or cross of such town, once or oftener, as to such justice shall seem reasonable.

Manufacturers of woollen, &c. embezzling materials, to forfeit double value;

or be whipped.

For a second or other future offence to forfeit four times the value,

and publickly whipped.

II. And be it further enacted by the authority aforesaid, That every person or persons who, from and after the first day of *May* one thousand

Receivers subject to same penalties.

No. VI. 13 Geo. II. c. 8.

seven hundred and forty, shall buy or receive, accept or take, by way of gift, pawn, pledge, or sale, of or from any or either of the persons herein or in the said recited Act mentioned, any woollen, linen, fustian, cotton, or iron manufactures, either before or after the same shall be wrought, made up, manufactured, or converted into merchantable wares, knowing the same to be so purloined or embezzled, and being thereof lawfully convicted in manner before-mentioned, he, she, and they shall severally suffer, and are hereby subjected to the like forfeitures and penalties respectively, as are by this or the said recited Act inflicted on persons purloining or embezzling such of the materials or manufactures enumerated or mentioned in the said before recited Act, or hereinbefore in this present Act.

Forfeitures, half to the injured, and half to the poor.

III. And it is hereby further enacted and declared, That the forfeitures mentioned and incurred by the said recited Act, and also the forfeitures created or given by this present Act, shall, from and after the said first day of *May* one thousand seven hundred and forty, when recovered, be applied in manner following (that is to say), one moiety thereof to the use of the party or parties injured, and the other moiety thereof to the use of the poor of the parish only where the offence shall be committed, with the like liberty and benefit of appealing to all parties, as is given in and by the said recited Act of the first year of her said late Majesty.

IV. 'And whereas many frauds and abuses have of late been likewise 'committed by persons employed in cutting out and manufacturing of 'skins, leather, and other materials, into gloves, breeches, boots, shoes, 'slippers, and other wares and manufactures, by purloining, embezzling, 'secreting, selling, pawning or exchanging such skins, leather, and other 'materials, or in some other manner, wherefore it is become necessary to 'make provision for discovering, preventing, and punishing such offences;' And for the better regulating such persons as are or shall be employed in the premises last mentioned, Be it further enacted by the authority aforesaid, That if from and after the first day of *May* one thousand seven hundred and forty, any person or persons hired or employed, or to be hired or employed, in cutting, paring, washing, dressing, sewing, making up, or otherwise manufacturing of gloves, breeches, leather, skins, boots, shoes, slippers, wares, or other goods or materials to be made use of in any of the trades or employments, or in manner last mentioned, or in any branch or particular thereof, shall fraudulently purloin, embezzle, secrete, sell, pawn, or exchange, all or any part of the gloves, breeches, leather, skins, parings, or shreads of gloves or leather, or other materials with which he, she, or they shall be intrusted to work up or manufacture, or shall purloin, embezzle, secrete, sell, pawn, or exchange any gloves, breeches, boots, shoes, slippers, or wares, when made, wrought up, or manufactured, or do or wilfully permit any other act, whereby to lessen the value of such or any part of such gloves, breeches, leather, skins, parings, or shreads of gloves or leather, boots, shoes, slippers, or other wares last particularized, either before or after the same shall be respectively so made into wares, and be thereof lawfully convicted upon the oath or affirmation of the master or owner of such goods or wares, or any other credible witness or witnesses, or by the confession of the person or persons charged with the fact, before one or more justice or justices of the peace for the county, riding, division, city, town, or place where such offence shall be committed, or where the party or parties so charged shall reside or inhabit (which oath or affirmation such justice or justices is and are hereby impowered to administer and take), such justice or justices shall and may award the person or persons so offending, to make a reasonable and suitable recompence and satisfaction for every offence, to the parties respectively injured, for the damage by them sustained, so as the same do not exceed double the value of the gloves, breeches, leather, boots, shoes, slippers, wares, goods, or materials, by such offender or offenders so purloined or embezzled, secreted, sold, pawned, or exchanged; one half thereof to go to the party or parties grieved, and the other half thereof to go and be applied to the use of the poor of the parish or place where such offence shall be committed, together with the full charges attending such conviction, to be levied by warrant under the hand and seal or hands and seals of such

Workers in leather to pay double the damage of embezzlement;

one half to sufferer; the other to the poor;

to be levied on offenders goods;

justice or justices by distress and sale of the offenders goods, rendering the overplus upon demand to the owner; but if such offender or offenders shall not have goods sufficient to answer for levying the forfeitures and the expences and charges attending the premises, and shall also neglect or refuse immediately to pay the same, that then the said offender and offenders shall, by like warrant of such justice or justices last described, be, for every distinct offence, committed to the house of correction, or other publick prison of such county, riding, city, town, or place, and there kept to hard labour for the space of fourteen days, and shall be there likewise whipped in such manner as the said justice or justices shall order and direct; and in case also of a subsequent conviction for or on a second or any other such like offence, the person or persons so offending for every second or other subsequent offence, being thereof convicted in manner before mentioned, shall forfeit four times the value of the damages which the owner or owners of such materials, either before or after the same shall be respectively made up into wares, shall sustain thereby, together with such costs of prosecution as shall be adjudged reasonable by the justice before whom such offender or offenders shall be thereof respectively convicted; and in case immediate payment of the respective forfeitures, together with such costs of prosecution as aforesaid, shall be neglected or refused to be made, that then it shall and may be lawful to and for such justice to commit the offender or offenders last described to the house of correction, or other public prison, to be there kept to hard labour for any time not exceeding three months, nor less than one month, as to such justice shall reem reasonable; and also during the time of such offender or offenders respective commitment or commitments shall cause the said offender or offenders to be publickly whipped in the market town where such offender or offenders shall be respectively committed, at the market place or cross of such town, once or oftener, as to such justice shall seem reasonable.

or sent to the house of correction for a fortnight, and whipped;

for any subsequent offence to forfeit four times the value,

or sent to the house of correction, not exceeding three months or less than one;

and be publickly whipped.

V. And be it further enacted by the authority aforesaid, That every person and persons who shall knowingly or willingly, from and after the said first day of *May* one thousand seven hundred and forty, buy or receive, accept or take, by way of pawn, pledge, or sale, or in any other manner, of or from any or either of the persons offending in any of the particulars in this Act last mentioned, or of or from any other person or persons whatsoever (except of or from the person or persons in whom the property of such gloves, breeches, leather, boots, shoes, slippers, wares, goods, or other materials shall be at the time of such sale, pawn, or exchange), or offer so to do, such person or persons offending therein respectively, shall, for every offence, being convicted thereof in manner aforesaid, make such suitable and reasonable recompence and satisfaction within two days next after the matter of fact shall from time to time be determined by any one or more justice or justices as aforesaid, upon hearing the same (he and they being hereby in this respect also impowered so to do), or else be subject to such distress, and for want of sufficient distress, to be liable to the like punishment as is hereby directed to be inflicted on such person or persons as shall purloin, embezzle, secrete, sell, pawn, or exchange any gloves, breeches, leather, boots, shoes, slippers, wares, goods, or other materials or effects of that sort as aforesaid, and so in like manner for any second or every other subsequent offence.

Receivers subject to the same penalties.

VI. And to prevent oppression of the labourers and workmen employed in any respect in or about making or manufacturing of gloves breeches, boots, shoes, slippers, wares or goods of that sort before-mentioned; Be it enacted by the authority aforesaid, That from and after the said first day of *May* one thousand seven hundred and forty, all payments and satisfaction hereafter to be made to any such labourers, manufacturers and workmen, employed as aforesaid, for any work by them done in and about such manufactures, shall be in and of the lawful coin of this realm only, and not by any victuals, goods, or commodities whatsoever, in lieu thereof (except at and by his and their request and consent only); and all goods and materials delivered out to be wrought up in the manufacture last-mentioned, shall be delivered with a declaration at the same time, of the

Workmen to be paid their wages in money;

true weight, quantity, or tale thereof, on pain that every offender in either of the said cases shall forfeit and pay to such labourer, manufacturer, or worker, double the value of what shall be due for such work by him, her, or them done and performed; and if any such labourer, manufacturer, or worker, as is last described, shall be guilty of any fraud, abuse, neglect, or default in the work by him, her, or them undertaken to be done, then such labourer, manufacturer, or worker shall allow and answer to the owner of such work double the damages thereby sustained.

but to pay double damages, if found guilty of neglect, &c.

VII. And be it further enacted by the authority aforesaid, That all wages, demands, frauds, abuses, neglects, and defaults of labourers, manufacturers and workmen in the trades last above mentioned, for or concerning any work done in that manufacture, shall and may be heard and determined by any two justices of the peace of the county, riding, division, city, town, or place, where the matter in controversy shall happen or arise, who are hereby impowered to summon and examine witnesses on oath or affirmation, concerning the same, which oath or affirmation the said justices are to administer and take.

Complaints determined by two justices.

VIII. And for the better regulating the journeymen and other persons employed as manufacturers or workers in the trade or business last above mentioned; Be it further enacted by the authority aforesaid, That all and every person and persons who shall at any time after the first day of *May* one thousand seven hundred and forty, be first retained or employed in the making up of any gloves, breeches, boots, shoes, slippers, or other wares as aforesaid, for any one master, and shall neglect the performance thereof, either by procuring or permitting himself to be subsequently retained or employed by any other master or person whatsoever, before he or they shall have completed the work or service in, or to do which he or they was or were first and originally so retained or employed, and shall be first delivered to him or them; then, and in every such case, every person so offending, being thereof lawfully convicted by the oath or oaths, affirmation or affirmations, of one or more credible witness or witnesses, before one or more justice or justices of the peace, where the offence or offences shall be committed, the person or persons so convicted shall be sent to the house of correction, there to be kept to hard labour for any time not exceeding one month.

Journeymen to perform the business engaged in,

or be sent to the house of correction for a month.

IX. Provided always, and be it further enacted by the authority aforesaid, That if any person or persons shall think him, her, or themselves aggrieved by any judgment or order of the said two justices, it shall and may be lawful for such person or persons to appeal from the judgment, order, and determination of the said two justices, to the justices of the peace at their next general quarter sessions of the peace, to be held for the same county, riding, division, city, town, or place, where the matter in dispute shall arise (giving eight days' notice of such appeal to the person or persons against whom such appeal shall be brought and prosecuted); and such justices of the peace, at their next general quarter sessions, are hereby impowered to summon and examine witnesses on oath and affirmation (which oath or affirmation they are hereby impowered to administer and take), and to hear and finally determine the matter of the said appeal, and at such quarter sessions shall award and order to the party on whose behalf such appeal is determined, such reasonable costs and charges to be paid by such appellant, or by the person or persons appealed against, in regard of such appeal, as to the said justices, or the major part of them, shall seem meet; but no order made by the said two justices of the peace as aforesaid shall be appealed from, quashed or vacated for want of form only.

May appeal to sessions;

giving eight days' notice.

Proviso.

X. Provided always, and it is hereby enacted and declared, That no person shall by virtue of the said recited Act, or this Act, suffer the punishments therein directed twice for one and the same fact and offence.

1 Anne, and this Act to extend to Scotland.

XI. And be it further enacted by the authority aforesaid, That the said recited Act passed in the first year of the reign of her late Majesty Queen *Anne*, (and made perpetual as aforesaid), and this present Act, and all the clauses, provisions, pains, penalties, and forfeitures therein and herein contained, shall, from and after the first day of *May* one thousand seven hundred and forty, extend, and be construed and adjudged to extend and

No. VI. 13 Geo. II. c. 8.

be put in force in that part of *Great Britain* called *Scotland*, in as full and ample manner as the before-mentioned Acts are to be put in force and executed in that part of *Great Britain* called *England*; and the pains, penalties, and forfeitures, which shall be incurred by virtue of the before-mentioned Acts, or either of them, shall be inflicted, levied, and taken in the same manner, and by such ways and means, as the pains, penalties, and forfeitures are in and by the before-mentioned Acts, or either of them, directed, ordered, and appointed; and if any offence against this Act shall be committed within that part of *Great Britain* called *Scotland*, and determined by one or more justice or justices of the peace, as herein before directed, no warrant for poinding or distraining that shall be issued by any one or more justice or justices of the peace, shall be stopped, or sisted by any suspension, sist, or other process whatsoever, except an appeal entered to the quarter sessions of the peace, as herein-before directed.

See farther 22 G. 2. c. 27.

[No. VII.] 20 George II. c. 19.—An Act for the better adjusting and more easy Recovery of the Wages of certain Servants; and for the better Regulation of such Servants, and of certain Apprentices.

[Inserted ante. Title *Apprentices*, Class II. No. 6.]

[No. VIII.] 22 George II. c. 27.—An Act for the more effectual preventing of Frauds and Abuses committed by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair and Silk Manufactures; and for preventing unlawful Combinations of Journeymen Dyers and Journeymen Hot Pressers, and of all Persons employed in the said several Manufactures; and for the better Payment of their Wages.

No. VIII. 22 Geo II. c. 27.

13 Geo. 2. c. 8. 1 Annæ, stat. 2. c. 18.

'WHEREAS by an Act made in the thirteenth year of his present Majesty's reign, intituled, *An Act to explain and amend an Act made in the first Year of the Reign of her late Majesty Queen* Anne, intituled, *An Act for the more effectual preventing the Abuses and Frauds of Persons employed in the working up the Woollen, Linen, Fustian, Cotton and Iron Manufactures of this Kingdom, and for extending the said Act to the Manufactures of Leather*, it is amongst other things enacted, That if any person or persons hired or employed in the working up of any woollen, linen, fustian, cotton, or iron manufactures, shall purloin, embezzle, secrete, sell, pawn, exchange, or otherwise illegally dispose of any the materials with which he, she, or they shall be respectively entrusted to work up such woollen, linen, fustian, cotton, or iron manufactures, whether the same be or be not first made up and manufactured, or shall reel false or short yarn, the person or persons so offending, and being thereof convicted in manner prescribed by the said Act of the first year of her said late Majesty's reign, shall forfeit double the value of the damages which the owner or owners of such materials shall respectively sustain thereby, together with full costs of prosecution for every such offence: And in case immediate payment of the respective forfeitures, together with such costs of prosecution as aforesaid, shall be neglected or refused to be made, that then it shall and may be lawful to and for the same justice of the peace before whom such conviction shall be made, to cause the offender or offenders to be committed to the house of correction, to be there whipped and kept to hard labour for any time not exceeding fourteen days: And in case of a further conviction for a second or other subsequent offence for embezzling or purloining any of the materials in the said Act of the first year of her said late Majesty's reign mentioned, that the person or persons so offending shall, for every second

No. VIII. 22 Geo. II. c. 27.

'or other subsequent offence, forfeit four times the value of the damages 'which the owner or owners of such materials, (whether the same be or 'be not made up or manufactured), shall sustain thereby, together with 'such costs of prosecution, as shall be adjudged reasonable by the justice 'before whom such offender or offenders shall be respectively convicted: 'And in case immediate payment of the respective forfeitures, together 'with such costs of prosecution as aforesaid, shall be neglected or refused 'to be made, that then such justice, or any other justice of the peace for 'the county, riding, division, city, town, or place where such offences 'shall be committed, shall cause the said offenders to be committed to 'the house of correction, to be there kept to hard labour, for any time not 'exceeding three months, nor less than one month, as to such justice shall 'seem reasonable; and also during the time of such commitment shall 'cause the said offender or offenders to be publickly whipped in the market 'town where such offender or offenders shall be respectively committed, at 'the market place or cross of such town, once or oftener, as to such justice 'shall seem reasonable: And it is by the said Act of the thirteenth year 'of his present Majesty's reign also further enacted, That every person or 'persons who shall buy or receive, accept or take, by way of gift, pawn, 'pledge, or sale of or from any of the persons in the said Act of the first 'year of her said late Majesty's reign mentioned, any woollen, linen, fustian, cotton, or iron manufactures, either before or after the same shall be 'manufactured or converted into merchantable wares, knowing the same to 'be so purloined or embezzled, and being thereof lawfully convicted, shall 'severally suffer the like forfeitures and penalties as are by the said Acts respectively inflicted on persons purloining or embezzling such of the materials or manufactures enumerated in the said Acts respectively; all which 'forfeitures, when recovered, are by the said Act of the thirteenth year of 'his present Majesty's reign directed to be applied in manner following; 'that is to say, one moiety thereof to the use of the party or parties injured, and the other moiety to the use of the poor of the parish only 'where the offence shall be committed, with the like liberty and benefit of 'appealing to all parties, as is given in and by the said Act of the first year 'of her said late Majesty: And it is by the said Act of the thirteenth year 'of his present Majesty's reign also further enacted, That if any person or 'persons hired or employed in cutting, paring, washing, dressing, sewing, 'making up, or otherwise manufacturing of gloves, breeches, leather, skins, 'boots, shoes, slippers, wares, or other goods or merchandizes, to be made 'use of in any of the trades or employments, or in manner last mentioned, 'or in any branch or particular thereof, shall fraudulently purloin, embezzle, 'secrete, sell, pawn, or exchange, all or any part of the gloves, breeches, 'leather, skins, parings or shreds of gloves or leather, or other materials 'with which he, she, or they shall be entrusted to work up or manufacture, 'or shall purloin, embezzle, secrete, sell, pawn, or exchange any gloves, 'breeches, boots, shoes, slippers or wares, when made, wrought up or manufactured, or do or wilfully permit any other Act, to lessen the value of 'such, or any part of such gloves, breeches, leather, skins, parings, or shreds 'of gloves or leather, boots, shoes, slippers, or other wares last particularized, either before or after the same shall be respectively so made into 'wares, and be thereof lawfully convicted in manner prescribed by the said 'last mentioned Act, before one or more justice or justices of the peace for 'the county, riding, division, city, town, or place where such offence shall 'be committed, or where the party or parties so charged shall reside or inhabit; such justice or justices shall and may award the person or persons 'so offending, to make a reasonable and suitable recompence and satisfaction for every offence to the parties respectively injured, for the damage 'by them sustained, so as the same do not exceed double the value of the 'gloves, breeches, leather, boots, shoes, slippers, wares, goods or materials, 'by such offender or offenders so purloined or embezzled, secreted, sold, 'pawned or exchanged; one half thereof to go to the party or parties 'grieved, and the other half to the use of the poor of the parish or place 'where such offence shall be committed; together with the full charges attending such conviction; to be levied by warrant under the hand and seal,

'or hands and seals of such justice or justices by distress and sale of the of-
'fender's goods; but if such offender or offenders shall not have goods
'sufficient to answer the forfeitures and expences attending the premises,
'and shall also neglect or refuse immediately to pay the same, that then the
'said offender or offenders shall, by like warrant of such justice or justices
'last described, be for every distinct offence committed to the house of cor-
'rection, or other publick prison of such county, riding, city, town or place,
'and there be kept to hard labour for the space of fourteen days, and shall be
'there likewise whipped in such manner as the said justice or justices shall
'order and direct; and in case also of a subsequent conviction for a second
'or any other such like offence, that the person or persons so offending, for
'every second or other subsequent offence, shall forfeit four times the value
'of the damages which the owner or owners of such materials, either before
'or after the same shall be respectively made up into wares, shall sustain
'thereby, together with such costs of prosecution as shall be adjudged rea-
'sonable by the justice, before whom such offender or offenders shall be re-
'spectively convicted; and in case immediate payment of the respective for-
'feitures, together with such costs of prosecution as aforesaid, shall be ne-
'glected or refused to be made, that then it shall and may be lawful to and
'for such justice to commit the offender or offenders last described to the
'house of correction, or other publick prison, to be there kept to hard la-
'bour for any time not exceeding three months, nor less than one month,
'as to such justice shall seem reasonable; and also during the time of such
'commitment, shall cause the said offender or offenders to be publicly
'whipped in the market town where such offender or offenders shall be re-
'spectively committed, at the market place or cross of such town, once or
'oftener, as to such justice shall seem reasonable: And it is by the said
'Act of the thirteenth year of his present Majesty's reign also further en-
'acted, That every person and persons who shall knowingly or willingly
'buy or receive, accept or take, by way of pawn, pledge, sale, or in any
'other manner, of or from any of the persons offending in either of the
'particulars last mentioned, or of or from any other person or persons
'whatsoever (except of or from any person or persons in whom the
'property of such gloves, breeches, leather, boots, shoes, slippers,
'wares, goods, or other materials, shall be at the time of such sale,
'pawn, or exchange) or offer so to do, such person or persons offending
'therein respectively, shall, for every offence, being convicted thereof in
'manner before prescribed by the said last mentioned Act, make such suit-
'able and reasonable recompence and satisfaction, within two days next
'after the matter of fact shall be determined by any one or more justice or
'justices as aforesaid, upon hearing the same, or else be subject to such
'distress; and for want of sufficient distress, to be liable to the like punish-
'ment as is by the said Act directed to be inflicted on such person or per-
'sons as shall purloin, embezzle, secrete, sell, pawn or exchange any gloves,
'breeches, leather, boots, shoes, slippers, wares, goods, or other materials
'or effects of that sort as aforesaid, and so in like manner for any second,
'and every other subsequent offence: And whereas the penalties and for-
'feitures to which offenders against the said Acts are subjected, have
'not been sufficient to deter persons from committing the offences thereby
'intended to be prevented: And whereas many persons employed in the
'making of felts or hats, and in preparing or working up the manufactures
'of fur, hemp, flax, mohair and silk, and also the manufactures made of
'wool, fur, hemp, flax, mohair, cotton or silk, or some of them mixed one
'with another, have of late been guilty of divers frauds and abuses, by pur-
'loining, embezzling, secreting, selling, pawning, exchanging, or otherwise
'unlawfully disposing of the materials with which they have been entrust-
'ed; and it is therefore become necessary to make provision for pre-
'venting such offences for the future:' Therefore for amending and ren-
dering more effectual the said Act made in the thirteenth year of his
present Majesty's reign, and for extending the provisions and regula-
tions therein and herein made, to the several manufactures hereinbe-
fore mentioned, Be it enacted by the King's most excellent Majesty,
by and with the advice and consent of the Lords Spiritual and Tem-
poral, and Commons, in this present Parliament assembled, and by the au-

No. VIII. 22 Geo. II. c. 27.

thority of the same, That if any person or persons whatsoever, who shall be hired or employed to make any felt or hat, or to prepare or work up any woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax, mohair, or silk manufactures, or any manufactures made up of wool, fur, hemp, flax, cotton, mohair or silk, or of any of the said materials mixed one with another, shall, from and after the twenty-fourth day of *June* one thousand seven hundred and forty-nine, purloin, embezzle, secrete, sell, pawn, exchange, or otherwise unlawfully dispose of any of the materials with which he, she, or they shall be respectively entrusted, whether the same, or any part thereof, be or be not first wrought, made up, manufactured, or converted into merchantable wares, or shall reel false or short yarn, and shall be thereof lawfully convicted, by the oath, or (if the owner thereof be of the people called *Quakers*) solemn affirmation of the owner of such goods or materials, or by the oath or affirmation of any other credible witness or witnesses, or by the confession of the person or persons charged with such offence, before any one or more justice or justices of the peace of the county, riding, division, city, liberty, town or place where such offence shall be committed, or where the person or persons so charged shall reside or inhabit (which oath or affirmation the said justice or justices is and are hereby empowered and required to administer), it shall and may be lawful to and for the said justice or justices, by warrant under his or their hand and seal, or hands and seals, to commit the person or persons so convicted to the house of correction, or other publick prison of such county, riding, division, city, liberty, town or place, there to be kept to hard labour for the space of fourteen days, and also to order the person or persons so convicted to be once publickly whipped at the market place, or some other publick place of the city, town or place where such offender or offenders shall be respectively committed; and in case of a further conviction, in manner before prescribed by this Act, for or upon a second or other subsequent offence of the same kind, it shall and may be lawful to and for the justice or justices before whom such conviction shall be had, to commit the person or persons so again offending to the house of correction, or other publick prison as aforesaid, there to be kept to hard labour for any time not exceeding three months, nor less than one month, and also to order the person or persons so again offending, to be publickly whipped at the market place, or some other publick place of the city, town or place where such offender or offenders shall be respectively committed, twice or oftener, as to such justice or justices shall appear reasonable; any thing in the said Act of the first year of her said late Majesty's reign, or in the said in part recited Act of the thirteenth year of his present Majesty's reign, to the contrary in any wise notwithstanding.

Persons employed in the manufactures described, being convicted of embezzling, &c. any of the materials, or of reeling false or short yarn,

to be committed,

and publickly whipped.

Penalty of a subsequent offence.

II. And be it further enacted by the authority aforesaid, That if any person or persons shall buy, receive, accept or take, by way of gift, pawn, pledge, sale, or exchange, or in any other manner whatsoever, of or from any person or persons, hired or employed to make any felt or hat, or to prepare or work up the woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax, mohair or silk manufactures, or any manufactures made up of wool, fur, hemp, flax, cotton, mohair or silk, or of any of the said materials mixed one with another, any thrums or ends of yarn, or any other materials of wool, fur, hemp, flax, cotton or iron, or any leather, mohair or silk, whether the same, or any part thereof, be or be not first wrought, made up, or manufactured, knowing the person or persons of whom he, she, or they so buy, receive, accept, or take the said materials, to be so hired or employed as aforesaid, and not having first obtained the consent of the person or persons so hiring or employing him, her or them, who shall offer to sell, pawn, pledge, exchange or otherwise dispose of the said materials, or shall buy, receive, accept or take, in any manner whatsoever, of or from any other person or persons whomsoever, any of the said materials, whether the same be or be not first wrought, made up or manufactured, knowing the same to be so purloined or embezzled; then, and in every such case, the person or persons so buying, receiving, accepting or taking any such materials, being thereof lawfully convicted, in manner before prescribed by this Act, for the conviction of persons purloining or embezzling the said materials, shall, for the first offence, forfeit the sum of twenty pounds; and

Persons convicted of buying or receiving materials from workmen,

to forfeit for

in case the said forfeiture shall not be immediately paid, the justice or justices before whom such conviction shall be had, shall commit the party or parties so convicted to the house of correction, or other publick prison as aforesaid, there to be kept to hard labour for the space of fourteen days, unless the said forfeiture shall be sooner paid; and if within two days before the expiration of the said fourteen days, the said forfeiture shall shall not be paid, the said justice or justices is and are hereby empowered and required, to order the person or persons so convicted to be publickly whipped at the market place, or some other publick place of the city, town, or place where such offender or offenders shall be respectively committed, once or oftener, as to such justice or justices shall appear reasonable; and in case of a further conviction, for or upon a second or any other subsequent offence of the same kind, the person or persons so again offending, being thereof convicted in manner before prescribed by this Act, shall, for every second or other subsequent offence, forfeit the sum of forty pounds; and in case the said forfeiture shall not be immediately paid, the justice or justices before whom such conviction shall be had, shall commit the party or parties so convicted to the house of correction, or other publick prison as aforesaid, there to be kept to hard labour for any time not exceeding three months, nor less than one month, unless the said forfeiture shall be sooner paid; and if within seven days before the expiration of the time for which such offender or offenders shall be so committed, the said forfeiture shall not be paid, the said justice or justices is and are hereby empowered and required to order such offender or offenders to be publickly whipped at the market place, or some other publick place of the city, town, or place where he, she, or they shall be respectively committed, twice or oftner, as to such justice or justices shall appear reasonable; and the said respective forfeitures of twenty pounds and forty pounds, when recovered, after satisfaction shall have been made thereout to the party or parties injured, together with such costs of prosecution as shall be judged reasonable by the justice or justices before whom such conviction shall have been had, shall be equally distributed amongst the poor of the parish or place where the person or persons so convicted shall reside or inhabit; any thing in the said two first mentioned Acts, or either of them, to the contrary in any wise notwithstanding.

the first offence 20*l.* and on nonpayment to be committed, and whipped;

and in case of subsequent offence,

to forfeit 40*l.* &c.

III. Provided always, and it is hereby enacted, That if any person convicted as aforesaid, of buying, receiving, or taking to pawn any of the materials herein before mentioned, shall think himself or herself aggrieved by the judgment of the justice or justices, before whom he, she, or they shall have been convicted, such person shall have liberty to appeal to the justices, at the next general or quarter sessions of the peace, which shall be held for the county, riding, division, city, liberty, town, or place where such judgment shall have been given; and that the execution of the said judgment shall in such case be suspended; the person so convicted entering into a recognizance at the time of such conviction, with two sufficient sureties, in double the sum which such person shall have been adjudged to forfeit, upon condition to prosecute such appeal with effect, and to be forthcoming to abide the judgment and determination of the justices in the said general or quarter sessions; which recognizance the said justice or justices, before whom such conviction shall be had, is and are hereby empowered and required to take; and the justices, in the said general or quarter sessions, are hereby authorized and required to hear and finally determine the matter of the said appeal, and to award such costs as to them shall appear just and reasonable to be paid by either party; and if upon the hearing of the said appeal, the judgment of the justice or justices, before whom the appellant shall have been convicted, shall be affirmed, such appellant shall immediately pay the sum which he or she shall have been adjudged to forfeit, together with such costs as the justices in the said general or quarter sessions shall award, to be paid by him or them for defraying the expences sustained by the defendant or defendants in such appeal; or in default of making such payments, shall suffer the respective pains and penalties by this Act inflicted upon persons who shall neglect to pay, or shall not pay the respective forfeitures by this Act imposed upon such as shall be convict-

Appeal given to persons convicted of buying materials;

the appellant giving security, &c.

See farther 23 Geo. 2. c. 13. sect. 9.

No. VIII. 22 Geo. II. c. 27.

ed of buying, receiving, or taking to pawn any of the materials herein before mentioned, which shall have been purloined or embezzled.

Justices empowered to grant a warrant to search the houses, &c. of persons convicted of purloining, &c.

IV. And be it further enacted by the authority aforesaid, That if any person or persons shall be charged with, and afterwards convicted of purloining or embezzling any of the aforesaid materials, or of buying or receiving the same in manner before described, it shall and may be lawful to and for the justice or justices of the peace before whom such conviction shall be had, to issue a warrant under his or their hand and seal, or hands and seals, directed to any person or persons, empowering him or them, in the presence of a constable or headborough, and in the day-time, to enter into and search the houses, out-houses, shops, cellars, vaults, and other places belonging to the person or persons so convicted as aforesaid; and if upon any such search or searches, there shall be found any thrums or ends of yarn, or any other materials of wool, fur, hemp, flax, cotton, iron, leather, mohair, or silk, it shall and may be lawful to and for the person or persons empowered to make such search or searches as aforesaid, to bring such materials before the said justice or justices, to be by him or them detained and kept in safe custody; and if within the space of twenty-four days next after such thrums, or ends of yarn, or other materials shall be so taken and detained, it shall be made appear to the satisfaction of the said justice or justices, that the person or persons from whose houses, out-houses, shops, cellars, vaults, or other places as aforesaid, the said materials shall be so taken and detained, is or are the lawful owner or owners thereof, and came to the possession of the same in an honest and lawful manner, then all such thrums or ends of yarn, or other materials, so taken and kept as aforesaid, shall be restored to the person or persons out of whose custody or possession the same shall have been so taken; but in case it shall not be made appear within the time before limited, to the satisfaction of the said justice or justices, that the person or persons convicted as aforesaid, is or are the lawful owner or owners of the said materials so taken and detained as aforesaid, then, and in every such case, the said materials shall be deemed and adjudged to be purloined and embezzled; and it shall and may be lawful to and for the said justice or justices to direct all such thrums or ends of yarn, or other materials, to be publickly sold, and the money arising by such sale (the charges of such sale being first deducted) to be equally distributed amongst the poor of the parish or place where the person or persons so convicted shall reside or inhabit.

Justice to give notice to the convict, of the materials brought to him, in order to prove his property, &c.

V. Provided always, and it is hereby enacted, That the said justice or justices shall, within three days after such materials shall be brought to him or them as aforesaid, give notice thereof in writing under his or their hand and seal, or hands and seals, to the person or persons convicted as aforesaid, appointing in such notice a time and place for his, her, or their attending, in order to make out and prove his, her, or their property in such materials so taken and detained as aforesaid; which time so to be appointed, shall be within twenty-one days, and not less than eighteen days, after such notice given; and if the person or persons so convicted, shall be detained in any house of correction, or other prison as aforesaid, the said justice or justices shall also cause a copy of the said notice, attested under his or their hand and seal, or hands and seals, to be delivered to the master or keeper of such house of correction, or other prison; which master or keeper is hereby required to bring, or cause to be brought, before such justice or justices, the person or persons named in such notice at the time and place therein specified, if the person or persons named in such notice be then in the custody of such master or keeper; and if any such master or keeper shall neglect or refuse so to do, such master or keeper shall, for every such neglect or refusal, forfeit to the person or persons respectively named in such notice, the full value of the materials so taken, detained, and sold; to be recovered by distress and sale of the goods and chattels of such master or keeper, by warrant under the hand and seal, or hands and seals, of the justice or justices signing such notice, in case the said forfeiture shall not be immediately paid.

Persons aggrieved may appeal.

VI. Provided also, and it is hereby further enacted, That if any person shall think himself or herself aggrieved by the judgment or order of the

said justice or justices, relating to the sale or disposal of the said materials so found and detained as aforesaid, such person shall have liberty to appeal against the judgment or order of the said justice or justices, to the justices of the peace in the general or quarter session of the peace which shall be held for the same county, riding, division, city, liberty, or town-corporate, next after such judgment or order shall be given or made; and that in the mean time the sale and disposal of such materials shall be postponed; notice in writing under the hand of the person intending to appeal, signifying such his or her intention, being given to the justice or justices by whom such order shall have been made, before the time appointed for the sale and disposal of such materials; and the justices of the peace in the said general or quarter sessions of the peace are hereby authorized and empowered to summon and examine witnesses upon oath (or being of the people called *Quakers*, upon their solemn affirmation) and to hear and finally determine the matter of the said appeal; and in case the said appellant shall not prosecute such his or her appeal, or for any other cause, the judgment of the said justice or justices by whom such order shall have been made shall be affirmed, it shall and may be lawful to and for the justices in the said general or quarter sessions of the peace, to award such costs as they, in their discretion, shall think reasonable to be paid by the appellant for defraying the expences sustained by the defendant or defendants in such appeal.

Notice of appeal to be given.

VII. And be it further enacted by the authority aforesaid, That if any person or persons intrusted with any of the materials herein before-mentioned, in order to prepare, work up, or manufacture the same, shall not use all such materials in the preparing, working up, or manufacturing of the same, and shall neglect or delay, for the space of twenty-one days after such materials shall be prepared, worked up, or manufactured, to return (if required by the owner or owners of such materials so to do) so much of the said materials as shall not be used as aforesaid, to the person or persons entrusting him, her, or them therewith, such neglect or delay shall be deemed and adjudged to be an embezzling or purloining of such materials; and the person or persons so neglecting or delaying, being thereof convicted in manner before prescribed for the conviction of offenders against this Act, shall suffer the like punishment, as persons convicted of embezzling or purloining any of the materials herein before mentioned, are by this Act rendered subject and liable to.

Penalty on workmen not returning the remains of the materials within 21 days.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any one justice of the peace of any county, riding, division, city, liberty, town, or place, and he is hereby required, upon complaint to him made upon oath, or (if the person complaining be of the people called *Quakers*) solemn affirmation of any offence committed against this Act within the same county, riding, division, city, liberty, town, or place, to issue his warrant for apprehending and bringing before him, or before any other justice or justices of the peace of the same county, riding, division, city, liberty, town, or place, the person or persons charged with such offence; and the justice or justices, before whom such person or persons shall be brought, is and are hereby authorized and required to hear and determine the matter of every such complaint, and to proceed to conviction and judgment thereupon.

Justice to issue his warrant upon complaint of any offence against this Act.

IX. And for the better regulating of the journeymen, and other persons employed as manufacturers or workers in the manufacture of felts or hats, and in the woollen, linen, fustian, cotton, iron, mohair, fur, hemp, flax, or silk manufactures, or any manufactures made up of wool, fur, hemp, flax, linen, cotton, mohair, or silk, or any of the said materials mixed one with another, be it further enacted by the authority aforesaid, That if any person who, at any time after the said twenty-fourth day of *June* one thousand seven hundred and forty-nine, shall be hired, retained, or employed to prepare or work up any of the manufactures herein before mentioned for any one master, shall neglect or refuse the performance thereof, by procuring or permitting himself or herself to be subsequently retained or employed by any other master or person whatsoever, before he or she shall have completed the work which he or she was first and originally so hired, retained,

Journeymen not completing their work, &c.

No. VIII. 22 Geo. II. c. 27.

or employed to perform, and which was first delivered to him or her; then, and in every such case, the person so offending, being thereof lawfully convicted by the oath, or (being one of the people called *Quakers*) affirmation of one or more credible witness or witnesses, before one or more justice or justices of the peace of the county, riding, division, city, liberty, town, or place, where the offence or offences shall be committed, shall be sent to the house of correction, there to be kept to hard labour for any time not exceeding one month.

to be committed.

Limitation of the powers of this Act.

X. Provided always, and it is hereby enacted and declared, That this Act or any thing therein contained, shall not extend, or be construed to extend, to repeal any of the provisions mentioned and contained in an Act made in the thirteenth and fourteenth years of the reign of King *Charles* the Second, intituled, *An Act for regulating the Trade of Silk-throwing;* or in an Act made in the twentieth year of the reign of King *Charles* the Second, intituled, *An Act to regulate the Trade of Silk-throwing;* or in an Act made in the eighth and ninth years of the reign of King *William* the Third, intituled, *An Act for the further Encouragement of the Manufacture of Lustrings and Alamodes within this Realm, and for the better preventing the Importation of the same; for the Punishment of Silk Winders, Doublers, and other Persons, convicted of purloining, embezzling, pawning, selling, or detaining, any Silk delivered them to wind, double, or work up, or after the same is wrought up, and of the buyers, receivers, or Persons taking to pawn any Silk so embezzled or purloined;* but that the said provisions shall remain in full force, and the penalties and forfeitures to which offenders against the said Acts are thereby respectively subjected, may be levied, recovered, and inflicted in the same manner as such penalties and forfeitures might have been levied, recovered, and inflicted before the making of this Act; any thing herein contained to the contrary thereof in any wise notwithstanding.

13 & 14 Car. 2. c. 15.

20 Car. 2. c. 6.

8 & 9 W. 3. c. 36.

None to be punished twice for the same offence.

XI. Provided nevertheless, and it is hereby further enacted and declared, That no person shall, by virtue of the said Acts herein before last mentioned, or of this Act, suffer, or be liable to suffer, the punishments thereby inflicted, twice for one and the same fact or offence.

12 Geo. 1. c. 34.

XII. 'And whereas by an Act made in the twelfth year of the reign of 'his late Majesty King *George* the First, intituled, *An Act to prevent unlawful 'Combinations of Workmen employed in the Woollen Manufactures, and for 'better Payment of their Wages*, all contracts, covenants, or agreements, 'and all bye-laws, ordinances, rules, or orders made or entered into, or 'hereafter to be made or entered into, by or between any persons brought 'up in, or professing, using or exercising the art and mystery of a wool-'comber or weaver, or journeyman woolcomber or journeyman weaver, in 'any parish or place within this kingdom, for regulating the said trade or 'mystery, or for regulating or settling the prices of goods, or for advancing 'their wages, or for lessening their usual hours of work, are declared to be 'illegal, null, and void to all intents and purposes: And it is, by the said 'last mentioned Act (amongst other things) enacted, That if any wool-'comber or weaver, or journeyman woolcomber, or journeyman weaver 'or other person concerned in any of the woollen manufactures of this 'kingdom, shall at any time keep up, continue, act in, make, enter into, 'sign, seal, or be knowingly concerned in any contract, covenant, or agree-'ment, bye-law, ordinance, rule, or order of any club, society, or combina-'tion, by the said Act declared to be illegal, or shall presume or attempt 'to put any such illegal agreement, bye-law, ordinance, rule, or order in 'execution, every person so offending, being thereof lawfully convicted in 'manner prescribed by the said Act, shall, at the discretion of the justices 'of the peace, before whom such conviction shall be had, be committed 'either to the house of correction, there to be kept to hard labour for any 'time not exceeding three months, or to the common gaol of the county, 'city, town, or place where such offence shall be committed, there to re-'main without bail or mainprize for any time not exceeding three months: 'And it is, by the said last mentioned Act, also further enacted, That if 'any person retained or employed as a woolcomber or weaver, or servant 'in the art or mystery of a woolcomber or weaver, shall depart from his

'service before the end of the time for which he is hired or retained, or 'shall quit or return his work before the same shall be finished according 'to agreement, unless it be for some reasonable cause to be allowed 'by two or more justices of the peace within their respective jurisdictions; 'every person so offending, being thereof convicted in manner prescribed 'by the said Act, shall be committed to the house of correction, there to 'be kept to hard labour for any time not exceeding three months; and if 'any woolcomber, weaver, servant or person hired, retained, or employed 'in the said art or mystery, shall wilfully damnify, spoil, or destroy (with-'out the consent of the owner) any of the goods, wares, or work com-'mitted to his care or charge, or wherewith he shall be intrusted, such of-'fender being thereof convicted, shall forfeit and pay to the owner or 'owners of such goods or wares so damnified, spoiled or destroyed, double 'the value thereof; to be levied by distress and sale of the offender's goods 'and chattels, by warrant or warrants under the hands and seals of any 'two or more justices of the peace, within their respective jurisdictions, 'and for want of sufficient distress, such justices shall commit the party or 'parties offending to the house of correction, there to be kept to hard 'labour, for any time not exceeding three months, or until satisfaction be 'made to the party or parties aggrieved for the same: And it is, by the said 'last mentioned Act, also further enacted, That every clothier, serge 'maker, or woollen or worsted stuff maker, or person concerned in making 'any woollen cloths, serges, or stuffs, or concerned in employing wool-'combers, weavers, or other labourers in the woollen manufactory shall 'pay to all persons by them employed in the woollen manufacture, the full 'wages, or other price agreed on, in good and lawful money of this king-'dom, and shall not pay the said wages, or other price agreed on, or any 'part thereof, in goods or by way of truck, or in any other manner than in 'money, or make any deduction from such wages or price, for or on ac-'count of any goods sold or delivered, previous to such agreement, by any 'person or persons whatsoever: And for the more easy recovery of the 'said wages, or price agreed on, any two or more justices of the peace, 'within their respective jurisdictions, are authorised and required, upon 'complaint made for that purpose, to summon before them the party or 'parties offending, and for non-payment of such wages, or price agreed on, 'in money as aforesaid, or sufficient satisfaction given for the same, to the 'good liking of the party or parties aggrieved, to issue their warrant or 'warrants under their hands and seals, for levying such wages or price, due 'as aforesaid, by distress and sale of the offender's goods and chattels, ren-'dering the overplus to the owner; and for want of sufficient distress, to 'commit the party or parties offending to the common gaol of the county, 'city, town, or place where such offence shall be committed, there to re-'main without bail or mainprize for the space of six months, or until he, 'she, or they shall pay such wages, or price agreed on, in money as afore-'said, or give full satisfaction for the payment of the same, to the good 'liking of the party grieved: And it is, by the said last-mentioned Act, also 'further enacted, That if any clothier, serge maker, woollen or worsted 'stuff maker, or person concerned in making any woollen cloths, serges, or 'stuffs, or any way concerned in employing woolcombers, weavers, or other 'labourers in the woollen manufactory, shall pay any person or persons 'employed by them, their wages, or other price agreed on, or any part 'thereof, either in goods, or by way of truck, or in any other manner than 'in money, every person so offending, shall also forfeit and pay the sum of 'ten pounds, one moiety thereof to the informer, and the other moiety to 'the party or parties aggrieved, to be levied by distress and sale of the of-'fender's goods as aforesaid, rendering the overplus (if any be) to the owner: 'And it is by the said last-mentioned Act also provided, That it shall be 'lawful for any person aggrieved, by any order or orders to be made by any 'two or more justices of the peace as aforesaid, to appeal to the justices of 'the peace at the next general quarter sessions to be holden for the county, 'city, division, parish, or place where such order shall be made, giving rea-'sonable notice of such appeal, the reasonableness of which notice shall be 'determined by the justices at the quarter sessions to which such appeal is

No. VIII. 22 Geo. II. c. 27.

'made; and if it shall appear to them, that reasonable time of notice was 'not given, then they shall adjourn the said appeal to the next quarter 'sessions, and then and there finally hear and determine the same; and the 'justices, who in the general quarter sessions shall hear the matter, shall 'have power to award reasonable costs to either party, as to them shall 'seem just: And it is, by the said last-mentioned Act also further enacted, 'That if any person or persons shall assault or abuse any master wool-'comber, master weaver, or other person concerned in any of the woollen 'manufactures, whereby any such master or other person shall receive any 'bodily hurt, for not complying with, or not conforming, or not submitting 'to any such illegal bye-laws, ordinances, rules, or orders aforesaid; or if 'any person or persons shall write, or cause to be written, or knowingly 'send, or cause to be sent, any letter, or other writing, or message, threaten-'ing any hurt or harm to any such master woolcomber, or master weaver, 'or other person concerned in the woollen manufacture, or threatening to 'burn, pull down, or destroy any of their houses or outhouses, or to cut 'down or destroy any of their trees, or to maim or kill any of their cattle, 'for not complying with any demands, claims, or pretences of any of his 'or their workmen, or others employed by them in the said manufacture, 'or for not conforming, or not submitting to any such illegal bye-laws, or-'dinances, rules, or orders as aforesaid, every person so knowingly and 'willingly offending in the premises, being thereof lawfully convicted, upon 'any indictment to be found within twelve calendar months next after any 'such offence committed, shall be adjudged guilty of felony, and shall be 'transported for seven years to some or one of his Majesty's colonies or 'plantations in *America*, by such ways and means, and in such manner, and 'under such pains and penalties, as felons in other cases are by law to be 'transported: And whereas it is necessary that the said several provisions 'and regulations in the said last in part recited Act, should be extended to 'journeymen dyers, journeymen hot pressers, and all other persons em-'ployed in the woollen manufactures of this kingdom, and also to journey-'men, servants, workmen, and labourers, employed in the making of felts 'or hats, and in the manufactures of silk, mohair, fur, hemp, flax, linen, 'cotton, fustian, iron, and leather, or any manufactures made up of wool, 'fur, hemp, flax, cotton, mohair, or silk, or any of the said materials mixed 'one with another;' Be it therefore enacted by the authority aforesaid, that

The provisions in the recited Act to extend to persons employed in the manufactures enumerated.

the said several before recited clauses in the said Act, made in the twelfth year of his said late Majesty's reign, and all the provisions, regulations, pains, penalties, and forfeitures therein contained, shall, from and after the said twenty-fourth day of *June* one thousand seven hundred and forty-nine, extend, and be construed, deemed, and adjudged to extend to journeymen dyers, journeymen hot pressers, and all other persons whatsoever, employed in or about any of the woollen manufactures of this kingdom, and also to journeymen, servants, workmen and labourers, and all other persons whatsoever employed in the making of felts or hats, or in or about any of the manufactures of silk, mohair, fur, hemp, flax, linen, cotton, fustian, iron, or leather, or in or about any manufactures made up of wool, fur, hemp, flax, cotton, mohair, or silk, or of any of the said materials mixed one with another, in as full and ample manner as the said provisions, regulations, pains, penalties and forfeitures, are by the said last mentioned Act declared to extend to the several and respective persons therein named;

Forfeitures to be inflicted as in the said Act.

and the pains, penalties, and forfeitures, which shall be incurred by reason of any offence committed against the said last mentioned Act, by any person or persons employed or concerned in or about any of the said manufactures herein-before enumerated, shall be inflicted, levied, and recovered, in the same manner as the pains, penalties, and forfeitures, contained in the said last in part recited Act, are directed to be inflicted, levied, and recovered, upon and against the several and respective persons therein mentioned.

[No. VIII. (*a.*)] 31 Geo. II. c. 11.—An Act to amend an Act made in the third Year of the Reign of King *William* and

Queen *Mary*, intituled, *An Act for the better Explanation, and supplying the Defects of the former Laws for the Settlement of the Poor*, so far as the same relates to Apprentices gaining a Settlement by Indenture; and also to impower Justices of the Peace to determine Differences between Masters and Mistresses and their Servants in Husbandry, touching their Wages, though such Servants are hired for less Time than a Year.

No. VIII. (*a*) 31 Geo. II. c. 11.

Preamble.

WHEREAS by an Act made in the third year of the reign of King *William* and Queen *Mary*, intituled, *An Act for the better Explanation, and supplying the Defects of the former Laws for the Settlement of the Poor*, it is enacted, That if any person shall be bound an apprentice by indenture, and inhabit in any town or parish, such binding and inhabitation shall be adjudged a good settlement: And whereas since the making the said Act, great numbers of persons have been unwarily bound apprentices by certain deeds, writings, or contracts, not indented, by which binding many of them have suffered great loss and damage, on account of their having been refused a settlement in such town or parish, where they have been so bound and resided forty days, and have been removed to the parish or place where their last legal settlement was before such apprenticeship, where they have had no encouragement to exercise their trades, or opportunity to gain a livelihood by their said trades to which they were so bound apprentices: For relief therefore of such apprentices, and for preventing the like mischief for the future; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That no person who shall have been bound an apprentice, or who shall hereafter be bound an apprentice, by any deed, writing, or contract, not indented, being first legally stamped, shall be liable to be removed from the town, parish, or place, where he or she shall have been so bound an apprentice, and resident forty days, by virtue of any order of removal, granted by two justices of the peace, of any county, riding, division, city, borough, town corporate, or place; or by virtue of any order of the justices at their general or quarter sessions, by reason or on account of such deed, writing, or contract, not being indented only.

Person bound apprentice by deed, &c. though not indented, being first duly stamped, is intitled to a settlement where apprenticed.

Provided nevertheless, That nothing herein-before enacted, shall extend, or be construed to extend, to set aside or make void, any judgement, order, or decree, which shall have been made as aforesaid, before the first day of *May*, one thousand seven hundred and fifty-eight.

Judgement, &c. to the contrary made before 1 *May*, 1758, not to be avoided hereby.

And whereas by an Act passed in the twentieth year of his present Majesty's reign, intituled, *An Act for the better adjusting and more easy Recovery of the Wages of certain Servants, and for the better Regulation of such Servants, and of certain Apprentices*; it is enacted, That from and after the twenty-fifth day of *March*, one thousand seven hundred and forty-seven, all complaints, differences, and disputes, which shall arise between masters or mistresses, and servants in husbandry, who shall be hired for one year or longer, or which shall happen or arise between masters and mistresses and artificers, handicraftsmen, miners, colliers, keelmen, pitmen, classmen, potters, and other labourers, employed for any certain time, or in any other manner, shall be heard or determined by one or more justice or justices of the peace, for the place where such master or mistress shall inhabit: And whereas doubts have arisen whether the words any labourers employed for any certain time, or in any other manner, extend to servants in husbandry hired for a less time than one year; for obviating the said doubts, be it enacted by the authority aforesaid, That the said Act, and all and every clause and matter therein contained, shall from and after the said first day of *May*, one thousand seven hundred and fifty-eight, be deemed and construed to extend to all servants employed in husbandry, though hired for a less time than one year; any thing in the said recited Act of the twentieth year of his present Majesty's reign, or any other Act contained to the contrary notwithstanding.

Act 20 Geo. II.

Recited Act extended to servants employed in husbandry, though hired for a less time than a year.

[No. IX.] 14 George III. c. 44.—An Act to amend an Act, made in the twenty-second Year of the reign of his late Majesty King *George* the Second, intituled, *An Act for the more effectual preventing of Frauds and Abuses committed by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk Manufactures; and for preventing unlawful Combinations of Journeymen Dyers and Journeymen Hot Pressers, and of all Persons employed in the said several Manufactures; and for the better payment of their Wages.*

No. IX. 14 Geo. III. c. 44.

22 Geo. 2.

'WHEREAS by an Act of Parliament made in the twenty-second year of the reign of his late Majesty King *George* the Second, intituled, '*An Act for the more effectual preventing of Frauds and Abuses committed* '*by persons employed in the Manufacture of Hats, and in the Woollen, Li-* '*nen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk* '*Manufactures; and for preventing unlawful combinations of Journeymen* '*Dyers and Journeymen Hot Pressers, and of all persons employed in the* '*said several Manufactures; and for the better payment of their Wages;*' certain punishments therein mentioned, are to be inflicted upon all persons who shall reel false or short yarn: And whereas it hath been found by experience, that the punishments directed to be inflicted by the said Act for reeling false or short yarn are too severe, on which account offenders go frequently unpunished, and many honest industrious persons are deterred from spinning:' May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act, so much of the said recited Act, as subjects any person or persons to any punishment whatsoever for reeling false or short yarn, shall be, and the same is hereby repealed.

repealed, concerning the reeling short yarn.

II. 'And, in order to prevent persons reeling false or short yarn for the future,' Be it further enacted, That from and after the passing of this Act, if any person or persons shall reel false or short yarn, and shall be thereof lawfully convicted by the oath of the owner of such yarn; or in case such owner is one of the people called *Quakers*, then upon the solemn affirmation of such owner, or of any other credible witness or witnesses, or by the confession of the person or persons charged with such offence, before any one or more justice or justices of the peace of the county, riding, division, city, liberty, town, or place where such offence shall be committed, or where the person or persons so charged shall reside or inhabit (which oath such justice or justices is and are hereby empowered and required to administer), shall, for the first offence, forfeit and pay any sum not exceeding twenty shillings, nor less than five shillings; and for the second offence, any sum not exceeding five pounds, nor less than forty shillings; and for the third, and every other offence, it shall and may be lawful to and for such justice or justices of the peace to commit the person or persons so convicted to the house of correction, or other publick prison of such county, riding, division, city, liberty, town, or place, there to be kept to hard labour for the space of one calendar month, and also to order the person or persons so convicted to be once publickly whipped at the nearest market town to where the offence was committed, and upon a market day; all which penalties and forfeitures shall go to the party aggrieved.

Penalties inflicted by this Act, for reeling short yarn.

III. And be it further enacted, That the justice or justices, before whom any offender shall be convicted as aforesaid, shall cause the said conviction to be made out in the manner and form following; that is to say:

Form of conviction.

'BE it remembered, That on the day of in 'the year of our Lord A. B. is convicted before me

'or us, of his Majesty's justices of the Peace, for
' [*specifying the offence, and the time and*
' *place when and where the same was committed, and also specifying that it*
' *was the first, second, or third offence against this Act, as the case shall be.*]
' *Given under my hand and seal, or our hands and seals, the day and year*
' *aforesaid.*'

Which conviction the said justice or justices shall cause to be fairly wrote on parchment, and returned to the next general quarter session of the peace for the county, riding, division, city, liberty, town, or place where such conviction was made, to be filed by the clerk of the peace, and remain and be kept among the records of such county, riding, division, city, liberty, town, or place.

IV. Provided always, and be it further enacted by the authority aforesaid, That it shall and may be lawful for any clerk of the peace where any such conviction shall be filed, as aforesaid, and he is hereby required, upon application made to him by any person or persons for that purpose, to cause a copy or copies of any conviction or convictions, filed by him under the directions of this Act, to be forthwith delivered to such person or persons, upon payment of one shilling for every such copy.

Appeal.

V. Provided nevertheless, That if any person or persons, who shall be convicted, as aforesaid, shall be desirous of appealing to the next general or quarter sessions of the peace to be holden for the county, riding, city, or place, wherein the cause of complaint shall arise, such person may, at the time of such conviction, enter into a sufficient recognizance conditioned to try such appeal, abide the order of, and pay such costs as shall be adjudged by the justices at such sessions; and the said justices, at such sessions, shall and are hereby authorised and required to take cognizance of such appeal, and may affirm such conviction, and award such costs, as they the said justices shall think proper: And in case the same are not paid, according to the order of the said justices, such costs may be recovered by distress and sale of the goods and chattels of the person who ought to pay the same, by warrant under the hand and seal of any justice of the peace for the county, riding, division, city, liberty, town, or place, where such person shall be or reside; and if no goods and chattels belonging to such person can be found, sufficient to pay the costs, and the charges of making such distress, the said justices may cause the person to be committed to the common gaol of such county, riding, division, city, liberty, town, or place, there to remain without bail or mainprize for the space of three calendar months; and the determination of the said sessions shall be final, binding, and conclusive, to all intents and purposes: And no order made concerning any of the matters aforesaid, or any other proceedings to be had touching the conviction or convictions of any offender against this Act; shall be quashed or vacated for want of form, or be removed by *certiorari*, or any other writ or process whatsoever, into any of his Majesty's Courts of Record at *Westminster*.

If costs be not paid, may be levied by distress, &c.

Proceedings not to be quashed, &c.

[No. X.] 15 George III. c. 14.—An Act to explain and amend an Act, made in the fourteenth Year of his present Majesty, intituled, *An Act to amend an Act, made in the twenty-second Year of the Reign of his late Majesty King* George *the Second, intituled, An Act for the more effectual preventing of Frauds and Abuses committed by persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk Manufactures; and for preventing unlawful Combinations of Journeymen Dyers and Journeymen Hot-*

No. X. 15 Geo. III. c. 14.

Pressers, and of all Persons employed in the said several Manufactures; and for the better Payment of their Wages.

Preamble. Act 14 Geo. 3.

'WHEREAS by an Act made in the fourteenth year of the reign of his present Majesty, intituled, *An Act to amend an Act, made in the twenty-second Year of the Reign of his late Majesty King George the Second, intituled, An Act for the more effectual preventing of Frauds and Abuses committed by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk Manufactures; and for preventing unlawful Combinations of Journeymen Dyers and Journeymen Hot Pressers, and of all Persons employed in the said several Manufactures; and for the better Payment of their Wages;* certain penalties therein mentioned are inflicted on persons convicted of reeling false or short yarn, but no provision is made for recovery of the said penalties, or of the costs and charges attending such prosecutions, by means whereof the good purposes intended by the said Act are rendered ineffectual;' May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act, the several pecuniary penalties inflicted by the said Act upon persons who shall be convicted of reeling false or short yarn, together with the costs and charges attending such prosecutions, shall (in case the same are not paid according to the order of the justice or justices before whom such person or persons shall be so convicted) be levied by distress and sale of the goods and chattels of the offender or offenders, by warrant or warrants under the hand and seal, or hands and seals, of the justice or justices before whom such offender or offenders shall be so convicted, together with the costs and charges of making such distress and sale; and if no goods and chattels belonging to such offender or offenders can be found sufficient to answer the said penalties, together with the costs and charges of such distress and sale, then such justice or justices shall and may cause such offender or offenders to be committed to the common gaol, or house of correction, of the county, riding, division, city, liberty, town, or place, where such offence shall be committed, there to remain without bail or mainprize for the space of one calendar month, unless such penalties and forfeitures, and the reasonable charges of such distress and sale, shall be sooner paid and satisfied.

After passing this Act the several penalties inflicted by Act 14 Geo. 3. on persons reeling short yarn, &c. to be levied by distress of the offenders' goods; and if no goods sufficient can be found, they are to be committed for one month.

II. Provided nevertheless, and be it further enacted, That if any person or persons shall think him, her, or themselves aggrieved by any thing done in pursuance of this Act, it shall and may be lawful for such person or persons to appeal to the justices of the peace, at the next general or quarter sessions of the peace to be holden for the county, riding, city, or place, where the cause of complaint shall arise; and the justices in their said general or quarter sessions, are hereby required to hear and determine the matter of every such appeal, and to make such order therein as to them shall seem reasonable, and according to the true intent and meaning of this Act; which determination of the said justices in sessions, on every and any such appeal, shall be and is hereby declared to be final and conclusive.

If persons think themselves aggrieved, they may appeal to the sessions;

and the determination of the justices to be final.

[No. XI.] 17 George III. c. 56.—An Act for amending and rendering more effectual the several Laws now in being, for the more effectual preventing of Frauds and Abuses by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk Manufactures; and also for making Provisions to prevent Frauds by Journeymen Dyers.

22 Geo. 2.

'WHEREAS by an Act, made in the twenty-second year of the reign of his late Majesty King *George* the Second, intituled, *An Act for the*

No. XI. 17 Geo. III. c. 56.

'*more effectual preventing of Frauds and Abuses committed by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk Manufactures; and for preventing unlawful Combinations of Journeymen Dyers and Journeymen Hot Pressers, and of all Persons employed in the said several Manufactures, and for the better Payment of their Wages;* it was enacted, That if any person or persons whatsoever, who should be hired or employed to make any felt or hat, or to prepare or work up any woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax, mohair, or silk manufactures, or any manfactures made up of wool, fur, hemp, flax, cotton, mohair, or silk, or of any of the said materials mixed one with another, should, from and after the twenty-fourth day of *June* one thousand seven hundred and forty-nine, purloin, embezzle, secrete, sell, pawn, exchange, or otherwise unlawfully dispose of, any of the materials with which he, she, or they should be respectively intrusted, whether the same, or any part thereof, be or be not first wrought, made up, manufactured, or converted into merchantable wares, and should be thereof lawfully convicted, in manner therein mentioned, before any one or more justice or justices of the peace of the county, riding, division, city, liberty, town or place, where such offence should be committed, or where the person or persons so charged should reside or inhabit, it should and might be lawful to and for the said justice or justices, by warrant under his or their hand and seal or hands and seals, to commit the person or persons so convicted to the house of correction, or other public prison, of such county, riding, division, city, liberty, town, or place, there to be kept to hard labour for the space of fourteen days, and also to order the person or persons so convicted to be once publickly whipped at the market-place, or some other publick place of the city, town or place where such offender or offenders should be respectively committed; and in case of a further conviction, in manner before prescribed by the said Act, for or upon a second or other subsequent offence of the same kind, it should and might be lawful to and for the justice or justices before whom such conviction should be had, to commit the person or persons so again offending, to the house of correction, or other publick prison, as aforesaid, there to be kept to hard labour, for any time not exceeding three months, nor less than one month, and also to order the person or persons so again offending, to be publickly whipped at the market-place, or some other publick place of the city, town, or place where such offender or offenders should be respectively committed, twice, or oftener, as to such justice or justices should appear reasonable: And whereas it is thought necessary to vary the punishment for the offences herein before recited;' Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the first day of *July* one thousand seven hundred and seventy-seven, so much of the said recited Act as prescribes what the punishment shall be in any of the cases before mentioned, or before whom such conviction shall be had, whether for a first offence, or a second or any subsequent offence, shall be repealed; and instead of inflicting the punishment so directed, the justices of the peace before whom the conviction shall be, shall commit the person convicted to the house of correction, or other publick prison, there to be kept to hard labour in the case of a first offence, for any time not less than fourteen days, nor more than three months; and in the case of a second or any subsequent offence, for any time not less than three months, nor more than six months; and may likewise for the first, or for any subsequent offence, order the person convicted to be once publickly whipped, if such additional punishment shall by the said justice or justices be deemed proper.

So much of the said Act, as prescribes punishment, &c. is repealed; and other punishments substituted.

II. Provided always, and be it further enacted by the authority aforesaid, That no person or persons, who shall be charged with any offence or offences against the said recited Act of the twenty-second year of the reign of his late Majesty King *George* the Second, shall be liable to be convicted, unless before two or more justices of the peace for the county, riding, division, city, liberty, town, or place, where the offence shall be committed;

No person to be convicted, unless before two justices, &c.

No. XI. 17 Geo. III. c. 56.

any thing contained in the said recited Act to the contrary hereof notwithstanding.

III. 'And whereas, by the said Act of the twenty-second year of the reign 'of his late Majesty King *George* the Second, it was also enacted, That if 'any person or persons should buy, receive, accept, or take, by way of gift, 'pawn, pledge, sale, or exchange, or in any other manner whatsoever, of 'or from any person or persons hired or employed to make any felt or hat, 'or to prepare or work up the woollen, linen, fustian, cotton, iron, leather, 'fur, hemp, flax, mohair, or silk manufactures, or any manufactures made 'up of wool, fur, hemp, flax, cotton, mohair, or silk, or of any of the said 'materials mixed one with another, any thrums or ends of yarn, or any 'other materials of wool, fur, hemp, flax, cotton, or iron, or any leather, 'mohair, or silk, whether the same, or any part thereof, be or be not first 'wrought, made up, or manufactured, knowing the person or persons, of 'whom he, she, or they so buy, receive, accept, or take the said materials, 'to be so hired or employed as aforesaid, and not having first obtained the 'consent of the person or persons so hiring or employing him, her, or them, 'who should offer to sell, pawn, pledge, exchange, or otherwise dispose of, 'the said materials, or should buy, receive, accept, or take, in any manner 'whatsoever, of or from any other person or persons whomsoever, any of 'the said materials, whether the same be or be not first wrought, made up, 'or manufactured, knowing the same to be so purloined or embezzled; 'then, and in every such case, the person or persons so buying, receiving, 'accepting, or taking, any such materials, being thereof lawfully convicted, 'in manner before prescribed by the said Act, for the conviction of persons 'purloining or embezzling the said materials, should, for the first offence, 'forfeit the sum of twenty pounds; and in case the said forfeiture should 'not be immediately paid, the justice or justices before whom such convic-'tion should be had, should commit the party or parties so convicted to 'the house of correction, or other publick prison as aforesaid, there to be 'kept to hard labour for the space of fourteen days, unless the said forfei-'ture should be sooner paid; and if within two days before the expiration of 'the said fourteen days the said forfeiture should not be paid, the said jus-'tice or justices is and are thereby empowered and required to order the 'person or persons so convicted to be publickly whipped at the market-'place, or some other public place, of the city, town, or place where such 'offender or offenders should be respectively committed, once, or oftener, 'as to such justice or justices should appear reasonable; and in case of a 'further conviction for or upon a second or any other subsequent offence 'of the same kind, the person or persons so again offending, being thereof 'convicted in manner before prescribed by the said Act, should, for every 'second or other subsequent offence, forfeit the sum of forty pounds; and 'in case the said forfeiture should not be immediately paid, the justice or 'justices before whom such conviction should be had, should commit the 'party or parties so convicted to the house of correction, or other publick 'prison as aforesaid, there to be kept to hard labour for any time not ex-'ceeding three months, nor less than one month, unless the said forfeiture 'should be sooner paid; and if within seven days before the expiration of 'the time for which such offender or offenders should be so committed, the 'said forfeiture should not be paid, the said justice or justices is and are 'hereby empowered and required to order such offender or offenders to be 'publickly whipped at the market-place, or some other public place, of 'the city, town, or place, where he, she, or they should be respectively 'committed, twice, or oftener, as to such justice or justices should appear 'reasonable: And the said respective forfeitures of twenty pounds and 'forty pounds, when recovered, after satisfaction should have been made 'thereout to the party or parties injured, together with such costs of pro-'secution as should be judged reasonable by the justice or justices before 'whom such conviction should have been had, should be equally distributed 'amongst the poor of the parish or place where the person or persons so 'convicted should reside or inhabit: And whereas it is thought necessary 'to increase the pecuniary penalties directed by the said recited Act for 'the said offences last mentioned, and to vary the application of the said

'penalties for the same, and further to change the consequences of non-'payment:' Be it therefore further enacted, That from and after the said first day of *July* one thousand seven hundred and seventy-seven, so much of the said recited Act of the twenty-second of his late Majesty King *George* the Second, as enacts what the penalty or punishment shall be for such buying, receiving, accepting, or taking by way of gift, pawn, pledge, sale, or exchange, or in any other manner, as is described by the said Act, in the terms aforesaid, and how such penalty shall be applied, and what punishment shall be inflicted in case of non-payment, shall be repealed; and instead thereof, the penalty for the first offence shall be any sum not more than forty pounds, nor less than twenty pounds, as the justices before whom the conviction shall be shall judge to be most proper; and every such pecuniary penalty shall be applied, under the direction of the justices before whom the conviction shall be, in manner following (that is to say); In the first place the expences of the prosecution shall be thereout defrayed; and then such satisfaction shall be made thereout to the party or parties injured, as the said justices shall think proper; and afterwards so much of the said penalty shall be paid to the informer or informers as such justices shall think fit, not exceeding, in any case, ten pounds; and the remainder, if any, shall be paid and distributed to and amongst the poor of the parish, town, or place, where the conviction shall be, or for the use of such publick charity or charities as such justices shall appoint: And if such pecuniary penalty as aforesaid shall not be paid on conviction, the said justices shall commit the person convicted to the house of correction, or other publick prison, there to be kept to hard labour for any time not more than six months, nor less than three months, as the said justices shall think fit to direct, unless such pecuniary penalty shall be sooner paid; or the said justices may send the person convicted to the house of correction, or other publick prison, there to remain for three days, exclusive of the day of commitment, with an order that within the said time the person so convicted shall be once publickly whipped at such market-place, or other publick place as aforesaid.

So much of the said Act, as orders punishment, &c repealed; and other punishments substituted.

IV. And be it further enacted by the authority aforesaid, That from and after the said first day of *July* one thousand seven hundred and seventy-seven, if any person or persons shall be brought before any justices of the peace, and shall be charged upon oath, or (being of the people called *Quakers*) upon solemn affirmation, of having been guilty of buying, receiving, accepting, or taking, by way of gift, pawn, pledge, sale, or exchange, or in any other manner, as is described by the said Act, in the terms aforesaid, and it shall appear to such justices that such person or persons so charged hath or have been already convicted of the like offence for which he, she, or they is or are then charged, that then such justices shall not proceed to convict such person or persons, but shall commit him, her, or them to the house of correction, or some other publick prison, there to remain until the next general or general quarter sessions of the peace to be held in and for the county, riding, division, city, liberty, town, or place where the offence shall have been committed, or until such offender or offenders shall have entered into a recognizance to answer for such offence at the said next general or general quarter sessions; and the justices in such general or general quarter sessions are hereby authorized and required to take cognizance thereof, and to hear and determine the same; and if such person shall be convicted upon the oath, or (being of the people called *Quakers*) upon the affirmation of one or more credible witness or witnesses, the person so convicted shall forfeit and pay, for such offence, any sum not more than one hundred pounds, nor less than fifty pounds, as the said justices shall judge to be most proper; and every such penalty shall be applied and disposed of, under the direction of the said justices in their general or general quarter sessions, in such manner and proportions as the penalty herein before imposed for the first offence of the like nature is by this Act directed to be applied and disposed of; and if such penalty shall not be paid on conviction, the said justices shall commit the person so convicted to the house of correction, or other publick prison, there to be kept to hard labour for any time not more than six months, nor less than three months,

How justices to proceed on second offence.

Any such offender convicted before the quarter sessions, shall forfeit from 50*l.* to 100*l.*;

or be committed, &c.

No. XI. 17 Geo. III. c. 56.

as the said justices shall in their discretion think fit, unless such penalty shall be sooner paid; or the said justices may send the person convicted to the house of correction, or other publick prison, there to remain for three days exclusive of the day of commitment, with an order that within the said time such person shall be once publickly whipped at such market-place, or other publick place as aforesaid.

Persons pawning, &c. any such materials as aforesaid, liable to same punishment, &c.

V. 'And whereas many frauds are practised, in respect to such materials 'as aforesaid, by persons who sell them, knowing them to have been pur-'loined or embezzled;' Be it therefore further enacted, That after the said first day of *July* one thousand seven hundred and seventy-seven, if any person shall sell, pawn, pledge, exchange, or otherwise unlawfully dispose of, or offer to sell, pawn, pledge, exchange, or otherwise unlawfully dispose of, any such materials as aforesaid, whether wrought or unwrought, mixed or unmixed, knowing them to have been purloined or embezzled, every such person lawfully convicted, shall be liable to the same punishment as he or she would be liable to by virtue of this Act, on being convicted of receiving purloined or embezzled materials, knowing them to have been purloined or embezzled.

How justices to proceed, &c.

VI. 'And whereas such materials as aforesaid, which have been purloined 'or embezzled, are frequently received by persons knowing the same to 'have been so purloined or embezzled; and such materials being after-'wards worked up, or otherwise disposed of, renders it difficult to convict 'such offenders:' Be it therefore enacted by the authority aforesaid, That from and after the said first day of *July* one thousand seven hundred and seventy seven, when any person or persons shall be brought or charged upon oath before any two or more justices of the peace, by virtue of this Act, with being suspected of, or with having purloined or embezzled, or with having received any such materials as aforesaid, whether the same be wrought or unwrought, mixed or unmixed, knowing the same to have been either purloined or embezzled, or received from some person or persons not intitled to dispose thereof, and it shall be made appear upon the oath, or (being of the people called *Quakers*) upon the affirmation, of one or more credible witness or witnesses, to the satisfaction of such justices, that such person or persons hath or have purloined or embezzled, or hath or have received any such materials as aforesaid, knowing the same to have been purloined or embezzled, or received from some person or persons not intitled to dispose thereof, it shall and may be lawful for such justices, or for the justices at their general or general quarter sessions of the peace, and they are hereby respectively authorized and empowered (if they shall think fit) to convict such person or persons of having purloined or embezzled, or of having received such materials as aforesaid, knowing the same to have been purloined or embezzled, or received from some person or persons not intitled to dispose thereof, although no proof shall be given to whom such materials belong; and the person or persons so convicted shall, for every such offence, be subject to such and the like penalties and punishments, at the discretion of such justices respectively, as persons convicted of buying or receiving any such materials as aforesaid, knowing the same to have been purloined or embezzled, are by this Act subject and liable to.

22 Geo. 2. recited.

VII. 'And whereas, by the said recited Act of the twenty-second of King 'George the Second, it was also enacted, That if any person or persons in-'trusted with any of the materials therein and herein before mentioned, 'in order to prepare, work up, or manufacture the same, should not use all 'such materials in the preparing, working up, or manufacturing of the 'same, and should neglect or delay, for the space of twenty-one days after 'such materials should be prepared, worked up, or manufactured, to return '(if required by the owner or owners of such materials so to do) so much of 'the said materials as should not be used as aforesaid, to the person or per-'sons intrusting him, her, or them therewith, such neglect or delay should 'be deemed a purloining or embezzling of such materials; and the person 'or persons so neglecting or delaying, being thereof convicted in manner 'therein before prescribed for the conviction of offenders against the said 'Act, should suffer the like punishment as persons convicted of purloining 'or embezzling any of the materials therein before mentioned, are by the

No. XI.
17 Geo. III.
c. 56.

'said Act rendered subject and liable to: And whereas the space of 'twenty-one days, allowed by the said recited Act, is thought too long a 'time to be allowed for returning the said materials, under the circum-'stances, and in manner aforesaid; and it may be proper to make the punish-'ment for not returning such materials the same as for purloining or em-'bezzling under this Act;' Be it therefore further enacted, That from and after the said first day of *July* one thousand seven hundred and seventy-seven, so much of the said recited Act as allows twenty-one days after the preparing, working up, or manufacturing the said materials, for returning so much of the said materials as shall not be used in such preparing, working up, or manufacturing, and declares that the punishment for not so returning the said materials within the said time, shall be the same as under the said Act is directed for purloining or embezzling, shall be repealed; and only eight days shall be allowed for returning the said materials in manner aforesaid; and the punishment for not returning them within the said eight days shall be the same as is by this Act directed to be inflicted for purloining or embezzling.

Altered

VIII. 'And whereas, by the said Act of the twenty-second year of the 'reign of his late Majesty King *George* the Second, it is enacted, That, 'from and after the said twenty-fourth day of *June* one thousand seven 'hundred and forty-nine, if any person who should be hired, retained, or 'employed, to prepare or work up any of the manufactures therein before 'mentioned, for any one master, should neglect, or refuse the performance 'thereof, by procuring or permitting himself or herself to be subsequently 'retained or employed by any other master or person whatsoever, before 'he or she should have completed the work which he or she was first and 'originally so hired, retained, or employed to perform, and which was first 'delivered to him or her; then, and in every such case, the person so of-'fending, being thereof lawfully convicted by the oath, or (being of the 'people called *Quakers*) affirmation, of one or more credible witness or 'witnesses, before one or more justice or justices of the peace of the 'county, riding, division, city, liberty, town, or place, where the offence or 'offences should be committed should be sent to the house of correction, 'there to be kept to hard labour for any time not exceeding one month: 'And whereas the said provision contained in the said recited clause is not 'found sufficient for the purpose intended, and it is apprehended that some 'other provision, more proper, may be made;' Be it therefore further enacted, That from and after the said first day of *July* one thousand seven hundred and seventy-seven, the whole of the said last recited clause shall be repealed; and that from and after the said first day of *July* one thousand seven hundred and seventy-seven, if any person being hired, retained, or employed, to prepare or work up any materials, whether mixed or unmixed, for any master or masters, shall wilfully neglect or refuse the performance thereof for eight days successively; or having taken in any materials, whether mixed or unmixed, for manufacture, from one master, or two or more masters, being copartners, shall afterwards take in any materials, whether mixed or unmixed, for manufacture, from any other master or masters; or shall procure, or permit himself or herself to be employed or retained in any other occupation or employment whatsoever, sooner than eight days before the completion of the work first taken; then, in every such case, such person being thereof lawfully convicted by the oath, or (being of the people called *Quakers*) affirmation of one or more credible witness or witnesses, before two or more justices of the peace of the county, riding, division, city, liberty, town, or place, where the offence or offences shall be committed, shall be sent to the house of correction, or other publick prison, there to be kept to hard labour for any time not exceeding three months, nor less than one month.

andrepealed.

Any person employed to work up materials, who shall neglect to perform same for eight days, &c. shall be sent to the house of correction.

IX. 'And whereas it frequently happens that persons receive the said 'materials in fictitious names, in order to be manufactured; and that per-'sons receive such materials in their own names, in order to be manufac-'tured by themselves, and afterwards deliver the same to others to be ma-'nufactured, without the knowledge or consent of the owners thereof; and 'that carriers, or other persons employed to deliver materials to workmen

No. XI. 17 Geo. III. c. 56.

'to be prepared or manufactured, do designedly deliver such materials to 'other persons than those intended by the owner of such materials;' Be it therefore enacted by the authority aforesaid, That from and after the said first day of *July* one thousand seven hundred and seventy-seven, if any person shall receive any of the aforesaid materials in a fictitious name, in order to be manufactured; or if any person shall receive in his or her own name any of the said materials, in order to be manufactured by himself or herself, and afterwards deliver the same, or any part thereof, to any other person to be manufactured (without the consent of the owner thereof); or if any carrier, or other person employed to deliver any such materials to any workman, to be prepared or wrought up, shall designedly deliver the same to any other person than the person to whom such materials were ordered or intended to be delivered by the owner thereof; all and every person and persons offending in any of the cases aforesaid, shall, for every such offence, be liable to prosecution, in the same manner, and to the same punishment, as is by this Act directed in respect to persons taking in any of the said materials in order to work up, and afterwards wilfully neglecting or refusing the performance of their work for the space of time aforesaid.

If any person receive materials in fictitious name; or deliver same to any other person, &c. he shall be liable, &c.

X. 'And whereas it frequently happens that materials used in the manu-'factures before mentioned are found, or known to be concealed in the 'possession of persons who have received the same, knowing them to be 'purloined or embezzled, or of persons known not to be entitled to dispose 'of the same; and whereas the discovery and conviction of the purloiners 'and embezzlers, buyers and receivers, of such materials, is full of difficulty, 'from the close and clandestine manner in which the offence is commit-'ted; and there is still greater difficulty in proving whose property such 'materials are; and it would tend to the discouragement and suppression 'of such offences, if the discovery and conviction of such offenders were 'rendered more easy: And whereas, by the said recited Act of the twenty-'second year of his late Majesty King *George* the Second, justices of the 'peace, after conviction of any offender for purloining or embezzling the 'said materials, or for buying or receiving the same, are authorised to grant 'warrants for searching the houses and other places of the persons so con-'victed, but no such authority is given before conviction, nor in any other 'house or place, except such as belongs to a person convicted;' Be it therefore further enacted, That it shall and may be lawful for any two justices of the peace of any county, riding, division, city, liberty, town, or place, upon complaint made to them, upon oath, by any one credible person, or (being of the people called *Quakers*) upon solemn affirmation, that there is cause to suspect that any such purloined or embezzled materials, whether mixed or unmixed, wrought or unwrought, are concealed in any dwelling house, out house, yard, garden, or other place or places, by virtue of a warrant under their hands and seals, to cause every such dwelling house, out house, yard, garden, or place, to be searched in the day time: And if any such materials, suspected to be purloined or embezzled, shall be found therein, to cause the same, and the person or persons in whose house, out house, yard, garden, or other place, the same shall be found, to be brought before any two justices of the peace for the same county, riding, division, city, liberty, town, or place; and if the said person or persons, shall not give an account, to the satisfaction of such justices, how he, she, or they came by the same, then the said person or persons so offending, shall be deemed and adjudged guilty of a misdemeanor, and shall be punished in manner herein-after mentioned, although no proof shall be given to whom such materials belong.

Justices may grant a warrant for searching.

XI. And be it further enacted, That every peace officer, constable, headborough, or tythingman, in every county, city, town-corporate, or other place, where there shall be officers, and every beadle within his ward, parish, or district, and every watchman, during such time only as he is on his duty, shall and may apprehend, or cause to be apprehended, all and every person or persons who may reasonably be suspected of having or carrying, or any ways conveying, at any time after sunsetting, and before sun-rising, any of such materials suspected to be purloined or embezzled,

Peace officers in towns-corporate, &c. may apprehend all persons suspected, &c.

and the same, together with such person or persons, as soon as conveniently may be, convey or carry before any two justices of the peace for the county, riding, division, city, liberty, town or place, within which the suspected person or persons shall be apprehended; and if the person or persons so apprehended in conveying any such materials, shall not produce the party or parties duly intitled to dispose thereof, from whom he, she, or they bought or received the same, or some other credible witness, to testify upon oath, or (being of the people called *Quakers*) upon solemn affirmation, to the sale or delivery of the said materials (which oath or affirmation respectively such justices are hereby empowered to administer), or shall not give an account, to the satisfaction of such justices, how he, she, or they came by the same; then the said person or persons so apprehended shall be deemed and adjudged guilty of a misdemeanor, and be punished in manner herein-after mentioned, although no proof shall be given to whom such materials belong.

Justices may appoint a reasonable time to produce the persons intitled to dispose of the materials, &c.

XII. Provided always, and be it further enacted, That in either of the two cases last before mentioned, when any person or persons, who shall be brought before any two justices of the peace, shall request of such justices to appoint a reasonable time to produce the person or persons duly intitled to sell or dispose of the same, of or from whom he, she, or they bought or received the same, or some one or more credible witness or witnesses to prove the sale or delivery thereof; then, and in such case, it shall and may be lawful for the said justices, and they are hereby authorised and required to appoint such reasonable time as aforesaid, and to issue out a summons to the constable or other peace officer of the parish or place where such person or persons, or such witness or witnesses, shall respectively reside, requiring him, her, or them, to appear before two or more justices, at such time and place as shall be so appointed by such justices, in order to be examined and give evidence on oath, or (being of the people called *Quakers*) solemn affirmation, of the several matters aforesaid; but such person or persons, at the time of making such request, shall enter into a recognizance, with or without surety or sureties, as such justices shall think proper, for his, her, or their appearance before them, at the time so to be set, or, for want of such recognizance as aforesaid, shall be committed until the time that shall be set or appointed by the said justices for the appearance of such party or parties, witness or witnesses; and if at such appointed time such person or persons shall be convicted of any of the offences aforesaid, then, and in such case he, she, or they, shall suffer such punishment as is herein-before directed to be inflicted on persons guilty of such offences.

On any person being convicted of a misdemeanor as aforesaid, the materials so found shall be deposited, &c.

XIII. And be it further enacted, That where any person or persons shall be convicted of a misdemeanor in either of the two cases last before mentioned, it shall and may be lawful for the justices before whom the conviction shall be, to cause the said materials so found or seized as aforesaid, to be deposited in the hands of the churchwardens or overseers of the poor of the place where such materials shall be found or seized, or in any other convenient place, for any time not exceeding thirty days; and in the mean time to order the said churchwardens and overseers of the poor, or one of them, to insert an advertisement in some one or more of the public newspapers usually published or circulated in or near such place, or otherwise to cause notice to be given by some public crier, and by fixing on the church or chapel door notice describing such materials, and where the same are so deposited, to the end that persons having lost such materials, or any reputable person or persons in their behalf, may come and claim the same: And in case any person or persons can prove his, her, or their property in the said materials upon oath, or (being of the people called *Quakers*) upon his, her, or their solemn affirmation, to the satisfaction of any two justices of the peace for such county, riding, division, city, liberty, town, or place, then such justices shall order restitution of such materials to the owner or owners thereof, after paying the reasonable charges of removing, depositing, and giving public notice of the same; but if, before the end of the said thirty days, no person or persons shall come and prove his, her, or their property in such materials, nor any reputable person or persons on his, her,

No. XI. 17 Geo. III. c. 56.

or their behalf, then the said justices shall order and direct the same to be sold for the best price that can reasonably be had, and after deducting such charges as aforesaid, together with the charges of sale, one moiety of the money arising from such sale shall be given to the person or persons, or either of them, who shall apprehend or prosecute the offender or offenders guilty of either of the misdemeanors aforesaid, as the said justices shall appoint, and the other moiety thereof, either to and amongst the poor of the parish, town, or place, where the conviction shall be, or to such public charity or charities as the justices convicting shall appoint.

Penalty on having in possession materials suspected to be purloined, &c.

XIV. And be it further enacted, That every person deemed and adjudged guilty of a misdemeanor, in having in his or her possession any materials suspected to be purloined or embezzled, and not producing the party or parties being duly intitled to dispose of the same, of whom he or she bought or received the same, nor giving a satisfactory account how he or she came by the same; or of a misdemeanor in having, carrying, or conveying, of the said materials suspected to be purloined or embezzled, and not producing the party or parties being duly intitled to dispose of the same, of whom he or she bought or received the same, nor any credible witness to testify upon oath, or (being of the people called *Quakers*) upon solemn affirmation, the sale or delivery thereof, nor giving a satisfactory account how he or she came by the same (as the case shall be), shall, for every such misdemeanor, forfeit, for the first offence, the sum of twenty pounds; and for the second offence, the sum of thirty pounds; and for every subsequent offence the sum of forty pounds: All which said respective forfeitures shall and may be levied by distress and sale of the goods and chattels of every such offender (rendering to him or her the overplus, after charges of the said distress and sale deducted), by warrant under the hands and seals of the justices before whom such offender shall be deemed and adjudged guilty; of which forfeiture, one moiety shall be paid to the informer, and the other moiety thereof to and amongst the poor of the parish, town, or place, where such conviction shall be, or to such public charity or charities as the justices convicting shall appoint; and if no sufficient distress shall be found whereon to levy the said respective forfeitures, then the said justices shall and may commit every such offender, so respectively deemed and adjudged guilty as aforesaid, to the common gaol, or other prison, or house of correction, within his or their jurisdiction, without bail or mainprize, for the space of one month, for the first offence; and for the second offence, for the space of two months; and for every subsequent offence, for the space of six months (1).

Forfeitures may be levied by distress.

XV. 'And whereas it sometimes happens, by occasion of the very long 'detention of such materials as aforesaid, delivered out to journeymen or 'other persons employed to work up the same, it cannot be known to the 'master or owners of such materials, whether the same may have been 'purloined or embezzled, or whether the said materials are wholly or in 'part wrought or begun to be wrought, or in what state or condition such 'materials may be: For remedy whereof,' Be it further enacted, That, from and after the said first day of *July* one thousand seven hundred and seventy-seven, it shall be lawful for the owner or owners of any such materials, from time to time, as occasion shall require, to demand entrance, and enter, at all seasonable hours in the day time, into the shops or outhouses of any person or persons employed by him or them to work up any of the said materials, or other place or places where the work shall be carried on, and there to inspect the state and condition of such materials; and in case of refusal, by any such person or persons so employed, to permit such entrance or inspection, he, she, or they so refusing, shall forfeit and pay such sum of money, not exceeding forty shillings, nor less than ten shillings, as the justices, before whom he, she, or they shall be convicted, shall think proper, to be recovered and applied in the same manner as is by this Act directed for the misdemeanor of being in the pos-

Owners may enter to inspect their materials, &c.

(1) Upon a conviction by two justices for an offence under this section, if the justices at the time of such conviction make known to the party convicted, his right to appeal, and he declines appealing, they need not go on to inform him of the necessary steps to be taken in order to appeal. *Rex* v. *West Riding of Yorkshire*, (Justices.) 3 *M. & S.* 493.

session of any such materials, without being able to account satisfactorily for such possession.

XVI. 'And whereas the said recited Act, of the twenty-second year of 'the reign of his late Majesty King *George* the Second, contains no provi- 'sion for the protection and recovery of the tools and implements with 'which any person or persons employed in preparing, working up, or manu- 'facturing, such materials as aforesaid, shall be entrusted for that purpose; 'nor any provision in respect to the drugs and ingredients used in dying, 'preparing, or manufacturing, such of the said materials as are usually 'dyed, prepared, or manufactured;' Be it therefore enacted, That from and after the said first day of *July* one thousand seven hundred and seventy-seven, every penalty or punishment directed by, or other provision contained in, the said recited Act, in respect to the said materials, so far as the said recited Act is not varied by this Act, and all the provisions in this Act contained in respect to the said materials, shall extend and be applicable to any tool or tools, and implement or implements, with which any person or persons shall be entrusted for making, working up, or manufacturing, the said materials, and also to any drug or drugs, ingredient or ingredients, with which any person or persons shall be entrusted, for the purpose of dying, preparing, or manufacturing, such of the aforesaid materials as are usually dyed, prepared, or manufactured, in the same mannner as if the said tools and implements, drugs and ingredients, were particularly mentioned, both in the said recited Act and in the preceding provisions of this Act.

Penalties applicable to the tools, &c.

XVII. 'And whereas journeymen dyers, servants, and apprentices, fre- 'quently abuse the trust reposed in them, by dying goods for their own 'profit, without the consent of their masters;' Be it therefore enacted, That, from and after the said first day of *July* one thousand seven hundred and seventy-seven, if any person hired, retained, or employed as a journeyman dyer, or as a servant or apprentice, in the dying of any felt or hat, or any woollen, linen, fustian, cotton, leather, fur, flax, mohair, or silk materials, whether the same shall be wrought or unwrought, or shall be mixed or unmixed with other of the said materials, shall, without the consent of the master, person or persons by whom such journeyman, servant or apprentice, shall be hired, retained, or employed, wilfully dye any of the said materials, whether wrought or unwrought, or mixed or unmixed with other of the said materials, or without such consent shall wilfully receive any such materials as aforesaid, for the purpose of dying the same, whether the same shall be dyed or prepared for dying, he or she so guilty of either of the said offences shall, for the first offence, forfeit the sum of ten shillings; and for the second offence, the sum of twenty shillings; and for every subsequent offence, the sum of forty shillings; or if any person shall procure any such materials as aforesaid, to be dyed by any person so hired, retained, or employed as a journeyman, servant or apprentice, without the consent of his or her master or employer, or shall offer any such materials to any such journeyman, servant, or apprentice, for the purpose aforesaid, he or she so offending, being thereof lawfully convicted, by the oath, or (being of the people called *Quakers*) affirmation, of one or more credible witness or witnesses, before two or more justices of the peace for the county, riding, division, city, liberty, town, or place, where the offence shall be committed, shall, for the first offence, forfeit the sum of five shillings; and for the second offence the sum of twenty shillings; and for every subsequent offence, the sum of four pounds; and each of the said penalties shall be paid to the informer or informers; and in case of non-payment on conviction, the person so convicted shall be committed, by the justices before whom the conviction shall be, to the common gaol or house of correction, to remain for any time not exceeding one month, as such justices shall order and direct.

If journeyman dyer, &c. shall without consent of his employer, dye any woollen, &c.

he shall forfeit for the first offence, 10*s.* &c. or if any person shall procure any such materials to be so dyed,

he shall forfeit for the first offence, 5*s.* &c.

XVIII. Provided always, and be it further enacted, That any inhabitant of any parish, township, or place, in which any offence shall be committed contrary to the Act of the twelfth year of the reign of his late Majesty King *George* the First, or contrary to the Act of the twenty-second year of his late Majesty King *George* the Second, or contrary to this Act, shall be deemed a competent witness, notwithstanding his or her being an inhabitant of such parish, township, or place.

Inhabitants competent witnesses.

No. XI. 17 Geo. III. c. 56.

Justice may issue warrant for apprehending offender.

XIX. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any one justice of the peace of any county, riding, division, city, liberty, town, or place, and he is hereby required, upon complaint to him made upon oath, or (if the person complaining be of the people called *Quakers*) solemn affirmation, of any offence committed against this Act, within the same county, riding, division, city, liberty, town, or place, to issue his warrant for apprehending, and bringing before any two or more justices of the peace of the same county, riding, division, city, liberty, town, or place, the person or persons charged with such offence; and the justices before whom such person or persons shall be brought, are hereby authorised and required to hear and determine the matter of such complaint, and to proceed to judgment and conviction thereupon.

Appeal.

XX. 'And whereas the said Act, of the twenty-second year of the 'reign of his late Majesty King *George* the Second, only gives an appeal 'from an order of any justice or justices of the peace to the general or ge- 'neral quarter-sessions of the peace, where an order is made by any justice 'or justices of the peace, in the case of the buyer or receiver of such pur- 'loined or embezzled materials as aforesaid, and in respect to the sale or 'disposal of such materials found on searching by warrant, after any con- 'viction for purloining or embezzling, or for receiving or buying such pur- 'loined or embezzled materials: And whereas it is thought more proper 'to give a right of appealing in the case of other orders of any justice 'or justices of the peace, to be made by force of an Act, made in the 'twelfth year of the reign of his late Majesty King *George* the First, 'intituled, *An Act to prevent unlawful Combinations of Workmen em- 'ployed in the Woollen Manufactures, and for better Payment of their 'Wages*, and of the said Act, and also in the case of all orders to be made 'by any justices of the peace under this Act;' Be it therefore further enacted, That if any person shall think himself or herself aggrieved by the order or judgment of any two justices before whom he or she shall have been convicted of any of the offences in the said Acts of the twelfth year of the reign of King *George* the First, and the twenty-second year of the reign of King *George* the Second, or in this Act, such person may appeal, and the said justices are hereby required to make known to such person, at the time of such conviction, his or her right to appeal, to the next general or general quarter-sessions of the peace to be holden for the county, riding, division, city, liberty, town, or place, where such conviction shall have been made (such person at the time of such conviction, giving to such justices notice in writing of his or her intention to appeal, and also entering into a recognizance, at the time of such notice, with sufficient sureties, conditioned to try such appeal, and to abide the judgment of, and pay such costs as shall be awarded by, the justices at such sessions); but if the person giving such notice of appeal shall not, at the time of giving such notice, enter into such recognizance as aforesaid, then the justices, to whom such notice of appeal shall have been given, shall and may commit such person or persons to the house of correction, or other publick prison, of such county, riding, division, city, liberty, town, or place, there to remain until the said next general or general quarter-sessions of the peace to be holden in and for such place, unless such recognizance shall be sooner entered into; and the said justices before whom such conviction shall have been made, or any other two or more justices of the same county, riding, division, city, liberty, town or place, are hereby impowered and required to take; and the justices at such sessions are hereby authorized and required upon due proof made of such notice of appeal, either by the acknowledgment of the justices to whom the same shall have been given, or otherwise, to hear and determine the matter of the said appeal, and to award such costs as to them shall appear just and reasonable, to be paid by either party: And if, upon the hearing of such appeal, the judgment of the justices to whom the appellant shall have been convicted shall be affirmed, such appellant shall, within forty-eight hours next after the same shall be so affirmed, suffer such corporal punishment as shall have been directed to be inflicted upon him or her for the offence whereof he or she shall have been convicted, or shall immedi-

ately pay the sum which he or she shall have been adjudged to forfeit, together with such costs as the justices in the said sessions shall award to be paid by him or her, for defraying the expences sustained by the defendant or defendants in such appeal; or, in default of making such payment, shall be committed to the common gaol, or house of correction, in the same manner, and for the same time, to be computed from the affirmance of such conviction, as shall be directed by the original judgment of conviction, unless the person or persons so convicted shall have been imprisoned under the original conviction, in which case the time for which such person or persons shall have been so confined shall be included in the order of confirmation.

Part of 23 G. 2. repealed.

XXI. 'And whereas an Act, passed in the twenty-third year of the 'reign of his late Majesty King *George* the Second, intituled, *An Act for 'the more effectually punishing of Persons convicted of seducing Artificers 'in the Manufactures of* Great Britain *or* Ireland, *out of the Dominions of 'the Crown of* Great Britain; *and to prevent the Exportation of Utensils 'made use of in the Woollen and Silk Manufactures, from* Great Britain *or* 'Ireland *into Foreign Parts; and for the more easy and speedy Determination of Appeals, allowed in certain Cases by an Act made in the last Session of Parliament, relating to Persons employed in the several Manufactures therein mentioned;* prescribes a form for conviction of the several 'offences mentioned in the said recited Act of the twenty-second of *George* 'the Second; but such form is not adapted to the said last-mentioned Act, 'as altered by this Act; and it may be useful to have one general form for 'the said recited Act of the twenty-second of *George* the Second, and this 'Act;' Be it therefore further enacted, That in respect to all offences which, from and after the said first day of *July* one thousand seven hundred and seventy-seven, shall be committed against the said recited Act of the twenty-second of *George* the Second, so much of the said Act of the twenty-third of *George* the Second as prescribes a form of conviction for offences, against the said Act of the twenty-second of *George* the second, shall be repealed; and that, from and after the said first day of *July* one thousand seven hundred and seventy-seven, the justices before whom any offender shall be convicted of any offence, either against the said Act of the twenty-second of *George* the Second, or varied by this Act, or against this Act, shall cause the conviction to be certified to the next general or general quarter-session of the peace to be held in and for the county, riding, division, city, liberty, town, or place, where such conviction was made, to be filed with the records of such sessions; and such conviction shall and may be drawn up and written on parchment, and certified in the following form of words, as far as the name of the person and the nature of the case will admit of (that is to say);

How justices to proceed for conviction of offenders against the said Act of 22 Geo. 2 of this Act.

Form of conviction.

Middlesex (or any other place, as the case shall be) *to wit.*

'BE it remembered, That on the day of in the year of our Lord 'A. B. was convicted before us of his 'Majesty's justices of the peace in and for the said 'county of *or*, for the riding of the said county of *or*, 'for the city, liberty, town, or place, aforesaid, in the said county '(*as the case shall be*) of [*Here specify the offence, and when and 'where the same was committed*].

'Given under our hands and seals, the day and year first above 'written.' (1)

(1) It will not be sufficient merely to follow this form of conviction, there being a discretionary punishment as to some of the offences included in the Act, and I have known many convictions quashed for want of sufficient certainty in the adjudication.

Where there is a discretion as to the duration of imprisonment to be suffered for want of distress, as in cases depending upon section 4, the general practice of the sessions has been to require such imprisonment to appear on the face of the conviction, and it seems to be necessary that it should so appear. Upon a conviction under that section, it may be proper after stating the offence, to proceed as follows:—"And we do adjudge, that for the said offence, being his first offence, the said *John Smith* hath forfeited the sum of 40*l.* which we direct shall be applied as follows; that is to say,—

No. XI. 17 Geo. III. c. 56.

Proceedings not to be quashed, &c.

XXII. Provided always, and be it further enacted, That no order made touching or concerning any of the matters in this Act contained, or any proceedings to be had touching the conviction of any offender or offenders against the said Act of the twenty-second of *George* the Second, or this Act, shall be quashed for want of form, or be removed or removeable by *certiorari*, into his Majesty's Court of King's Bench; and the justices before whom such convictions shall be had, shall cause the same, drawn up in the form aforesaid, to be fairly written upon parchment, and transmitted to the next general or general quarter-sessions of the peace to be held for the county, riding, division, city, liberty, town, or place wherein such conviction was had, to be filed and kept amongst the records of the said general or general quarter-sessions; and in case the person or persons

---

that, in the first place, the sum of 5*l.* being the expense of the prosecution, shall be paid to A. B.; that, in the next place, the sum of 15*l.* shall be paid to C. D., being the party injured by the said offence, as a satisfaction for the same; and that afterwards the sum of 10*l.* shall be paid to S. S. who informed us of the said offence; and that the sum of 10*l.* being the remainder of the said penalty, shall be paid to the overseers of the poor of the town of M. aforesaid, where the said conviction is, to be distributed to and amongst the poor of the said town; and that in case the said penalty shall not be paid on this conviction, the said J. S. shall be committed to the house of correction at in the said county, for six months, unless the said penalty shall be sooner paid."

It is to be observed that section 20, which gives the appeal, directs, that in default of payment of the penalty, on affirmance of the conviction, the party is to be committed for the same time as shall be directed upon the original judgment of conviction.

Upon a proceeding under sections 10 and 12, the following form seems to be proper:

Lancashire to wit. } BE it remembered, That on the 1st day of *June*, in the year of our Lord 18 *John Smith* of Manchester, in the said county, weaver, was convicted before us, two of his Majesty's justices of the peace in and of the said county, of a misdemeanor: for that on the 1st. day of *May*, in the year aforesaid, T. Y. and M. N. esquires, two of his Majesty's justices of the peace for the said county, upon complaint made to them, upon oath, by one X. Z. being a credible person, that there was cause to suspect that certain purloined and embezzled materials of cotton were concealed in the dwelling-house of the said *John Smith*, at Manchester aforesaid, by virtue of a warrant under their hands and seals, pursuant to the statute in such case made and provided, did cause the said dwelling-house to be searched in the day-time, and that upon such search certain materials, used in the manufacture of cotton, to wit, 50 lbs. weight of cotton wool, suspected to be purloined or embezzled, were found in the same dwelling-house (*a*), and the said materials so found as aforesaid, and the said *John Smith*, were thereupon, to wit, on the said first day of *May*, brought before us the said justices first above named; and the said *John Smith* being so brought before us, the said last-mentioned justices, did request of us to appoint a reasonable time to produce one I. D. whom he alleged to be the person duly intitled to sell or dispose of the said materials, from whom he bought the same, and also one R. R. a credible witness, to prove the sale and delivery thereof, and we did therefore appoint the said first day of *June*, being a reasonable time for the purpose aforesaid, and we did issue our summons to the constable of the township of Salford, in the said county, where the said I. D. and R. R. did reside, desiring him to summon the said I. D. and R. R. to appear before us on the said first day of *June*, to be examined and give evidence on oath of the matter aforesaid, on which said first day of *June*, the said I. D. and R. R. did appear before us, and being sworn and examined, did severally depose, that they had not any knowledge of the said materials so found in the said dwelling-house of the said *John Smith* as aforesaid, and the said *John Smith* did not give any account to the satisfaction of us, the same justices, how he came by the said materials, contrary to the statute in that case made and provided, whereby the said *John Smith* hath forfeited the sum of 20*l.* being his first offence; one moiety thereof is to be paid to the said X. Z. being the informer in this behalf, and we adjudge the other moiety thereof to be paid to the treasurer of the infirmary, at Manchester aforesaid, being a public charity, for the use of the said charity (*b*).

so convicted shall appeal from the judgment of the said justices to the said general or general quarter-sessions, the justices on such general or general quarter-sessions are hereby required, upon receiving the said conviction drawn up in the form aforesaid, to proceed to the hearing and determination of the matter of the said appeal, according to the direction of the said Act; any law or usage to the contrary notwithstanding.

XXIII. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend, to repeal any former law or laws now in being, for the punishment of any of the offences herein above specified, except so far as is particularly expressed by this Act; and no offender who shall have been proceeded against, upon or by virtue of this Act, for any of the offences herein specified, shall for the same offence be afterwards proceeded against, upon or by virtue of any such former law or laws.

XXIV. Provided also, and be it further enacted, That nothing contained in this Act shall extend to, or affect, any person or persons for any offence committed or to be committed against the said recited Act of the twenty-second year of the reign of his late Majesty King *George* the Second, before the said first day of *July* one thousand seven hundred and seventy-seven; but all and every such offender and offenders shall and may be prosecuted and punished in the same manner as if this Act had not been made.

(*a*) [In all the editions of Burn, instead of following the provisions of the statute, sec. 8, imposing a penalty on the person in whose *house, outhouse, yard, garden, or other place*, the materials shall be found, the word *possession* is substituted. I have many years ago known a case determined upon reference by the sessions to the present Chief Justice of the King's Bench, then at the bar, which turned entirely upon that difference, the materials having been found in the *possession* of a married woman, (in a box in her peculiar custody) to which the husband was not supposed to be privy, and the conviction of the wife could not be supported, which it was held that it might have been, if the expression in Burn had been that of the Act.]

(*b*) [As the duration of imprisonment for non-payment of the penalty is in this case limited, it does not seem necessary that it should be expressed in the conviction. I have seen a form of conviction, in which directions were contained for advertising and disposing of the property pursuant to section 13; but I conceive it is not necessary or usual that such directions shall form a part of the conviction, and that it would be preferable that they should be given by a separate order in writing.]—See a form of conviction for embezzlement under sec. 3, Paley on Convictions, Appx. [79.]

It may here not be irrevelant to observe, with respect to convictions generally, that it has been customary in the practice of quarter-sessions, if any objection appeared on the face of the conviction, to take it at the outset of the hearing, and if the judgment of the court was in favour of the objection, any examination of the merits has been considered unnecessary: but this course cannot safely be pursued, since the case of the King *v.* Allen, 15 E. 333, in which the sessions having quashed a conviction upon grounds which appeared to the Court of King's Bench insufficient, the court refused to send the case down again to be heard on its merits, and said, that as the defendant had chosen to stand upon the objection which he then took, he had waved entering into the merits of the case upon the appeal.

This certainly seems to have been rather a hard measure; as it has always been considered as the duty of counsel to take such objections as appeared to them to be tenable, or attended with a reasonable probability of success in point of form, however strong an opinion they might entertain in favour of their client upon the merits; and there is no reason which requires that if there are several points in a case, the insisting upon some shall be regarded as a waver of others. If the objection had been overruled by the sessions, it would have been quite contrary to all practice to have considered the taking it as a ground for refusing to proceed with the hearing upon the merits; and the case has not gone so far as to preclude the appellant's counsel from urging the objections on the face of the proceedings, and going, at the same time, into a case upon the facts.

It will be recollected that the clause for taking away a Certiorari does not extend to the prosecutor, unless particularly expressed.

No. XI. 17 Geo. III. c. 56.

Limitation of actions. General issue.

XXV. And be it further enacted, That if any suit or action shall be commenced or prosecuted against any person or persons, for any thing done or to be done in pursuance of this Act, every such suit or action shall be severally brought, laid, and tried, in the county or place where the fact was committed, and not elsewhere; and the defendant or defendants in every such action or suit shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance of and by the authority of this Act: And if it shall appear to be so done, or if any such suit or action shall be brought in any other county or place than where the fact was committed, then the jury shall find for the defendant or defendants; and upon such verdict, or if the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her, or their action after the defendant or defendants shall have appeared or if, upon demurrer, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover

Treble costs.

treble costs, and have the like remedy for the same as any defendant or defendants hath or have for costs in other cases at law.

[No. XII.] 32 George III. c. 56.—An Act for preventing the counterfeiting of Certificates of the Characters of Servants.

No. XII. 32 Geo. III. c. 56.

Preamble.

'WHEREAS many false and counterfeit characters of servants have either been given personally, or in writing, by evil-disposed persons being, or pretending to be, the master, mistress, retainer, or superintendant of such servants, or by persons who have actually retained such servants in their respective service, contrary to truth and justice, and to the peace and security of his Majesty's subjects: And whereas the evil herein complained of is not only difficult to be guarded against, but is also of great magnitude, and continually increasing, and no sufficient remedy has hitherto been applied;' Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That, from and after the first day of *July* one thousand seven hundred and ninety-two, if any person or persons shall falsely personate any master or mistress, or the executor, administrator, wife, relation, housekeeper, steward, agent, or servant of any such master or mistress, and shall either personally, or in writing, give any false, forged or counterfeited character to any person offering him or herself to be hired as a servant into the service of any person or persons, then, and in such case, every such person or persons so offending shall forfeit and undergo the penalty or punishment herein-after mentioned and in that behalf provided.

Any person personating a master, &c. or giving a false character to a servant;

or asserting that a servant has been hired for a period of time, or in a station;

II. And be it further enacted by the authority aforesaid, That, from and after the said first day of *July* one thousand seven hundred and ninety-two, if any person or persons shall knowingly and wilfully pretend, or falsely assert in writing, that any servant has been hired or retained for any period of time whatsoever, or in any station or capacity whatsoever, other than that for which or in which he, she, or they shall have hired or retained such servant in his, her, or their service or employment, or for the service of any other person or persons, that then, and in either of the said cases, such person or persons, so offending as aforesaid, shall forfeit and undergo the penalty or punishment herein-after mentioned and in that behalf provided.

or was discharged at any other time, or had not been hired in any previous service, contrary to the fact;

III. And be it further enacted by the authority aforesaid, That, from and after the said first day of *July* one thousand seven hundred and ninety-two, if any person or persons shall knowingly and wilfully pretend, or falsely assert, in writing, that any servant was discharged, or left his, her, or their service at any other time than that at which he or she was discharged or actually left such service, or that any such servant had not been hired or employed in any previous service, contrary to truth, that then, and in either of the said cases, such person or persons shall forfeit and undergo the penalty or punishment herein-after mentioned and in that behalf provided.

IV. And be it further enacted by the authority aforesaid, That from and after the said first day of *July* one thousand seven hundred and ninety-two, if any person shall offer himself or herself as a servant, asserting or pretending that he or she hath served in any service in which such servant shall not actually have served (1), or with a false, forged, or counterfeit certificate of his or her character, or shall in anywise add to or alter, efface or erase any word, date, matter, or thing contained in or referred to in any certificate given to him or her by his or her last or former actual master or mistress, or by any other person or persons duly authorised by such master or mistress to give the same, that then, and in either of the said cases, such person or persons shall forfeit and undergo the penalty or punishment herein-after mentioned and in that behalf provided.

or any person offering himself as a servant, pretending to have served where he has not served, or with a false certificate, or who shall alter any certificate;

V. And be it further enacted by the authority aforesaid, That from and after the said first day of *July* one thousand seven hundred and ninety-two, if any person or persons having before been in service, shall, when offering to hire himself, herself, or themselves as a servant or servants in any service whatsoever, falsely and wilfully pretend not to have been hired or retained in any previous service as a servant, that then and in such case such person or persons shall forfeit and undergo the penalty or punishment herein-after mentioned and in that behalf provided.

or who having been before in service shall pretend not to have been in such service;

VI. And be it further enacted by the authority aforesaid, That from and after the said first day of *July* one thousand seven hundred and ninety-two, if any person or persons shall be convicted of any or either of the offence or offences aforesaid, by his, her, or their confession, or by the oath of one or more credible witness or witnesses, before two or more justices of the peace for the county, riding, division, city, liberty, town, or place, where the offence or offences shall have been committed, (which oath such justices are hereby empowered and required to administer,) every such offender or offenders shall forfeit the sum of twenty pounds, one moiety whereof shall be paid to the person or persons on whose information the party or parties offending shall have been convicted, and the other moiety thereof shall go and be applied for the use of the poor of the parish wherein the offence shall have been committed; and if the party who shall have been so convicted shall not immediately pay the said sum of twenty pounds so forfeited, together with the sum of ten shillings for the costs and charges attending such conviction, or shall not give notice of appeal, and enter into recognizance in the manner herein-after mentioned and in that behalf provided, such justices shall and may commit every such offender to the house of correction, or some other prison of the county, riding, division, city, liberty, town, or place, in which he or she shall have been convicted, there to remain, and be kept to hard labour, without bail or mainprize, for any time not exceeding three months, nor less than one month, until he or she pay the said sum so forfeited, together with such costs and charges as aforesaid.

shall, on conviction, forfeit 20*l.*

Application of forfeiture.

Persons not paying the penalty with costs for not giving notice of appeal, &c. may be committed.

VII. 'And whereas it most frequently happens, that no person is present 'at or privy to the giving of the character of a servant, except the persons 'by and to whom the same is given:' Be it further enacted by the authority aforesaid, That the informer, in any of the cases aforesaid, shall be, and shall be deemed and taken to be a good and competent witness in law, notwithstanding he shall be entitled to a part of the said penalty where the same shall be levied as aforesaid.

Informer, though entitled to a part of the penalty, a competent witness.

VIII. Provided always, and be it further enacted by the authority aforesaid, That if any servant or servants, who shall have been guilty of any of the offences aforesaid, shall, before any information has been given or lodged against him, her, or them, for such offence, discover and inform against any person or persons concerned with him, her, or them, in any offence against this Act, so as such offender or offenders be convicted of such offence in manner aforesaid, every such servant or servants, so discovering and informing, shall thereupon be discharged and indemnified of,

Offenders discovering accomplices before information, indemnified.

(1) A case which I have lately known to occur is not within the provisions of this Act, although attended with all the mischiefs intended to be provided against by it; viz., that of assuming the name of another person who has been a servant in the same place with the offender.

No. XII. 32 Geo. III. c. 56.

from, and against all penalties and punishments to which, at the time of such information given, he, she, or they might be liable by this Act, for or by reason of such his, her, or their own offence or offences.

Justices may cause convictions to be drawn up in the following form of words.

IX. 'And, for the more easy and speedy conviction of offenders against 'this Act,' Be it further enacted, That all justices of the peace, before whom any person or persons shall be convicted of any offence against this Act, shall and may cause the conviction to be drawn up in the following form of words, or in any other form of words to the same effect, as the case shall happen; *videlicet*,

Form.

'BE *it remembered, That on the day of*
'*in the year of our Lord* A. B. *is convicted*
'*before us, two of his Majesty's justices of the peace for*
'*the county of* [Specifying the offence, and the time and
'place when and where the same was committed, as the case shall be.]
'*Given under our hands and seals, the day and year aforesaid.*'

Parties aggrieved may appeal to the quarter session, where the matter may be finally determined in a summary way, &c.

X. Provided always, and be it further enacted, That if any person shall think himself or herself aggrieved by any thing done in pursuance of this Act, such person may appeal to the justices of the peace at the next general or quarter sessions of the peace to be held for the county or place wherein the cause of complaint shall have arisen, such appellant entering into a recognizance, with two sufficient sureties, in the sum of twenty pounds each, conditioned to try such appeal, and abide the order of, and to pay such costs as shall be awarded by such justices at such general or quarter sessions, upon due proof of such notice being given as aforesaid, and of the entering into such recognizance; which said justices shall hear and finally determine the causes and matters of such appeal in a summary way, and award such costs to the parties appealing or appealed against as they the said justices shall think proper, and the determination of such general or quarter sessions shall be final, binding, and conclusive to all intents and purposes; and no conviction or order made concerning any matters aforesaid, or any other proceedings to be had, touching the conviction or convictions of any offender or offenders against this Act, shall be quashed for want of form, or be removed by *certiorari*, or any other writ or process whatsoever, into any of his Majesty's Courts of Record at *Westminster*.

Proceedings not to be quashed for want of form, or removed by certiorari.

[No. XIII.] 39 and 40 George III. c. 90.—An Act for settling Disputes that may arise between Masters and Workmen engaged in the Cotton Manufacture in that Part of *Great Britain* called *England*.—[28*th July* 1800.]*

No. XIII. 39 and 40 George III. c. 90.

'WHEREAS considerable abuses have for several years last passed subsisted in the trade or manufacture of cotton weaving, in that part of '*Great Britain* called *England*, to the great oppression of the persons 'employed in the manufacture thereof and concerned therein, and mani'fest hindrance and injury of the trade: And whereas it will be a great 'convenience and advantage to all parties concerned in such trade, and 'an encouragement to the manufacture, that a cheap and summary mode 'be established for settling all disputes that may arise in respect thereof, 'between the masters and workmen engaged in the said trade:' May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the said first day of *August* in the year of our Lord one thousand eight hundred, in all cases that shall or may arise within that part of *Great Britain* called *England*, where the masters and workmen cannot agree respecting the price or prices to be paid for work done, or to be done, in the

From Aug. 1, 1800, in cases of difference between masters and workmen in

* The provisions of this Act are materially altered by Stat. 44 Geo. III. c. 87, post.

No. XIII. 39 and 40 George III. c. 90.

said manufacture, whether such dispute shall happen or arise between them respecting the reduction or advance of wages or any injury or damage done, or alleged to have been done by the workmen to the work, or respecting any delay or supposed delay, on the part of the workmen in finishing the work or the not finishing such work in a good and workmanlike manner; and also in all cases where the workmen are to be employed to work any new pattern which shall require them to purchase any new implements of manufacture for the working thereof, and the masters and workmen cannot agree upon the compensation to be made to such workmen for or in respect thereof, and also respecting the length of all pieces of cotton goods, or the wages or compensation to be paid for all pieces of cotton goods that are made of any great or extraordinary length, and respecting the manufacture of cravats, shawls, polycat, romall, and other handkerchiefs, and the number to be contained in one piece of such handkerchiefs, and the wages to be paid in respect thereof, and in all cases of dispute or difference arising or happening by and between the masters and workmen employed in such manufacture, out of, for, or touching such trade or manufacture, which cannot be otherwise mutually adjusted and settled by and between them; it shall and may be lawful, and it is hereby declared to be lawful, for such masters and workmen, between whom such dispute or difference shall arise as aforesaid, or either of them, to demand and have an arbitration or reference of such matter or matters in dispute, and each of them is hereby authorized and empowered forthwith to nominate and appoint an arbitrator for and on his respective part and behalf, to arbitrate and determine such matter or matters in dispute as aforesaid, and such arbitrators so appointed as aforesaid, after they shall have accepted and taken upon them the business of the said arbitration, are hereby authorized and required to summon before them, and examine upon oath the parties and their witnesses, (which oath the said arbitrators are hereby authorized and required to administer according to the form set forth in the Schedule to this Act,) and forthwith to proceed to hear and determine the complaints of the parties, and the matter or matters in dispute between them, and the award to be made by such arbitrators shall in all cases be final and conclusive between the parties; but in case such arbitrators so appointed cannot agree to decide such matter or matters in dispute so to be referred to them as aforesaid, and do not make and sign their award within the space of three days after the signing of the said submission, that then they shall forthwith, and without delay, go before and attend upon one of his Majesty's justices of the peace acting in and for the county, riding, city, liberty, division, township, or place, and residing nearest to the place where such dispute shall happen and be referred, and state to such justice the points in difference between them the said arbitrators, which points in difference the said justice shall and he is hereby authorized and required to hear and determine, which determination of such justice shall be made and signed within the space of three days after the expiration of the time hereby allowed the arbitrators to make and sign their award, and shall be final and conclusive between the parties so differing as aforesaid; and if either of the said parties, or their respective witnesses, having been duly summoned, shall neglect or refuse to attend such arbitrators at the time and place by them for that purpose appointed, it shall and may be lawful for any one or more of his Majesty's justices of the peace acting in and for the county, riding, city, liberty, division, township, or place where such dispute shall happen, and he or they is or are hereby required, upon proof on oath being made before him or them of the service of such summons, either personally or by leaving the same at the last or usual place of abode of such person summoned, and also upon the like proof of the neglect or refusal of such person to attend the said arbitrators in pursuance of such summons, (unless a reasonable excuse be made for such non-attendance to the satisfaction of such justice or justices) to issue his or their warrant under his or their hand or hands for the apprehending and bringing such person before him or them, and if any such person so being brought before such justice or justices shall still refuse to be examined, or to give his or their testimony before such arbitrators touching the premises, such persons

the cotton manufacture in England, which cannot be mutually adjusted, the matter in dispute may be referred to arbitration.

Arbitrators empowered to summon witnesses and administer oaths.

If they do not agree and sign the award within three days after submission, they shall state the points in difference to a justice, who shall finally decide therein.

Parties or witnesses refusing to attend arbitrators, and after being brought before a justice, refusing to give evidence, may be committed to the house of correction till they submit.

No. XIII. 39 and 40 George III. c. 90.

so refusing shall be by the said justice or justices committed to the house of correction within his or their jurisdiction, there to remain without bail or mainprize until he, she, or they, shall submit to be examined and give evidence before the arbitrators touching the premises aforesaid.

Time of making award may be extended by the parties.

II. Provided always, and be it further enacted, That if the parties who shall have signed any submission to arbitration shall think it expedient, or be minded and desirous to extend the time hereby limited for the making of the award or umpirage, it shall and may be lawful for them to extend the same accordingly by indorsement on the back of such submission, to be signed by both of them in the presence of one or more credible witness or witnesses; any thing herein before contained to the contrary thereof in anywise notwithstanding.

Submission and award may be drawn on unstamped paper, agreeably to Schedule annexed; and each party to have a copy.

III. Provided also, and be it further enacted, That the submission to such arbitration, and the award or umpirage to be made thereon, shall and may be drawn up, and written at the foot of such submission, upon unstamped paper, in the respective forms set forth in the Schedule to this Act; any law, usage, or custom, to the contrary thereof in anywise notwithstanding.

IV. Provided also, and be it further enacted, That there shall, in all cases, be written or engrossed two parts of the submission to arbitration, one for each of the parties subscribing the same.

If any party refuse, for two days, to sign the submission, or to appoint an arbitrator, or to submit to the award, he shall forfeit to the other party 10*l.* to be recovered before one justice, and leviable by distress and sale, or the offender to be committed for not more than three months, nor less than two.

V. And be it further enacted by the authority aforesaid, That in every case of dispute or difference between any such master and workman in such trade or manufacture as aforesaid, if any arbitration shall be demanded, and the submission thereto signed, and an arbitrator therein named by either of the said parties, and the other of them shall refuse or neglect to sign the said submission, and appoint his arbitrator; or if, after making of the said award or umpirage, either party shall refuse to submit thereto, for the time or term of two days next after the signing such submission in manner aforesaid, or refusing to submit to such award or umpirage respectively as aforesaid, the party so neglecting, or refusing to sign the said submission, or to appoint his arbitrator, or refusing to submit to such award or umpirage as aforesaid, shall forfeit and pay to the party who shall have demanded such arbitration, signed his submission thereto, and named his arbitrator therein as aforesaid, or in whose favour such award or umpirage shall be made and signed as aforesaid, the sum of ten pounds, to be recovered in a summary way before one or more justice or justices of the peace for the county, riding, city, liberty, division, township, or place, where such offence shall be committed; and the conviction for the same may be had and made upon the oath or oaths of one or more credible witness or witnesses; and in case any such forfeiture or penalty shall not be forthwith paid pursuant to such conviction, such justice or justices shall, by warrant under his or their hand or hands, cause the same to be levied by distress and sale of the offender's goods and chattels, together with all costs and charges attending such distress and sale; and in case no sufficient distress can be had, such justice or justices shall, by warrant under his or their hand or hands, commit the offender to the common gaol, or some house of correction, within his or their jurisdiction, there to remain without bail or mainprize for any time not exceeding three calendar months, nor less than two calendar months.

Convictions to be drawn up agreeably to the form set forth in the Schedule, and filed, &c.

VI. And be it further enacted by the authority aforesaid, That the justice or justices before whom any person or persons shall be convicted of any offence against this Act, shall cause all such convictions to be drawn up according to the form, or to the effect set forth in the Schedule to this Act; and the said justice or justices shall cause the same to be fairly written on parchment, and transmitted to the next general sessions, or general quarter sessions of the peace, to be holden for the county, riding, division, city, liberty, township, or place, wherein such conviction was had, to be filed and kept amongst the records of the said general or general quarter sessions.

Appeal may be made to quarter sessions.

VII. Provided always, and be it further enacted, That it shall and may be lawful for any person convicted before any one or more justice or justices of the peace, of any offence against this Act, to appeal to the justices

of the peace assembled at the next general sessions or general quarter sessions of the peace, to be holden for the county, riding, division, city, liberty, township, or place, wherein such conviction shall be made, such person so appealing giving immediate notice of such appeal, and finding two sufficient sureties in the sum of five pounds each, and entering into his or her own recognizance before such justice or justices so convicting as aforesaid, in the sum of ten pounds, to appear and prosecute every such appeal with effect; and the justices of the peace at such general or general quarter sessions of the peace, are hereby authorised and required, on every such appeal being made, and on reasonable notice thereof given to the other party, finally to hear and determine the matter of every such appeal, and to make such order, and to award such costs therein, as they in their discretion shall see meet; and which said order and determination shall be final and conclusive to all parties; and no *certiorari* shall be allowed to remove any such proceedings or determination.

Limitation of actions; six months.

VIII. Provided also, and be it further enacted by the authority aforesaid, That no action shall be brought against any arbitrator, justice of the peace, constable, headborough, or other officer, or against any other person or persons whomsoever, for any matter or thing whatsoever done or committed under or by virtue or in the execution of this Act, unless such action shall be brought within six calendar months next after the doing or committing of such matter or thing.

General issue.

IX. Provided also, That if any action or suit shall hereafter be commenced or prosecuted against any person or persons, for any thing done under, by virtue, or in the execution of this Act, such person or persons may plead the general issue, and give this Act and the special matter in evidence; and if the plaintiff shall become nonsuited, or suffer discontinuance, or forbear further prosecution, or if judgment shall be given for the defendant or defendants, such defendant or defendants shall recover his, her, or their full costs, for which he, she, or they shall have like remedy as in cases where costs by law are given to defendants.

Full costs.

Justices who are cotton manufacturers not to act.

X. Provided also, and be it further enacted by the authority aforesaid, That no justice of the peace, being also a master cotton weaver or manufacturer, shall act as such justice under this Act; any thing herein contained, or any former statute, law, usage, or custom to the contrary thereof in anywise notwithstanding.

Nothing herein shall repeal any provisions of the Acts of 1 Anne, st. 2, c. 18; 13 Geo. 2. c. 8; 22 Geo. 2. c. 27. [*and see* 23 *Geo.* 2. *c.* 13. § 9.] 17 Geo. 3. c. 56. or of any other Act, so far as they provide penalties on such workmen, or afford remedies to masters (except where they relate to wages).

XI. Provided also, and be it further enacted by the authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to repeal, abridge, annul, or make void any of the clauses, provisions, remedies, or powers contained in the several Acts made and passed in the first year of the reign of her late Majesty Queen *Anne*, and in the thirteenth and twenty-third years of the reign of his late Majesty King *George* the Second, and in the seventeenth year of the reign of his present Majesty, or in any or either of them, or in any other Act or Acts relating to the said trade heretofore made and passed, so far as the same enact, provide, or inflict any pains, penalties, and punishments upon or against such workmen, and so far as the same enact, provide, or afford any remedy or remedies to the masters against the workmen engaged in the said trade or manufacture (save and except where such remedy and remedies relate to wages); any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Publick Act.

XII. And be it further enacted, That this Act shall be taken and allowed to be a publick Act in all courts within this kingdom; and all judges and justices of the peace are hereby required to take notice thereof as such, without specially pleading the same.

Schedule to which this Act refers:

Form of the Oath to be administered by the Arbitrators to the Parties and Witnesses under this Act.

THE evidence that you shall give before us, the arbitrators appointed by *A. B.* and *C. D. (the parties to the submission,)* to determine the matters

No. XIII. 39 and 40 George III. c. 90.

in difference between them, under and by virtue of an Act, passed in the fortieth year of the reign of his present Majesty, intituled "An Act, (state the title of the Act)," shall be the truth, the whole truth, and nothing but the truth.

So help you GOD.

Form of the Submission to Arbitration, and of the Award to be made in pursuance of this Act.

I *A. B.* of, &c. *(set forth the name, residence, and description of the party)*, do hereby nominate and appoint *C. D.* of &c. my arbitrator under and by virtue of an Act, passed in the fortieth year of the reign of his present Majesty, intituled, "An Act, (set forth the title of the Act)," to hear and determine the matters in difference between me and *E. F.* of, &c.

I *E. F.* of, &c. do appoint *G. H.* of, &c. to be my arbitrator under the said Act for the purposes aforesaid.

Form of the Award or Umpirage to be made by the Arbitrators or Umpire, and to be written at the Foot of the Submission.

WE, *I. K.* and *L. M.* of, *&c.* the arbitrators above appointed, [*or I, N. O. of, &c. the justice, as the case may be*], do hereby adjudge and determine that, *&c. (here set forth the determination to which the arbitrators or justice, as the case may be, shall subscribe their names).*

Witness, *P. Q.*

Form of Conviction in a Pecuniary Penalty.

BE it remembered, That on the day of in the year of his Majesty's reign, and in the year of our Lord *A. B.* is convicted before me, (*or* us, meaning* the justices) one (*or*, two) of his Majesty's justices of the peace for the county, (*or*, riding, city, liberty, township, division, or place) of for that the said *A. B. (state the offence, as for neglecting to sign the submission, or refusing to submit to the award within the time limited, as the case may be)*, contrary to the statute made in the fortieth year of his present Majesty, intituled, "An Act (here set forth the title of the Act);" and I, (*or* we) the said justice (*or* justices) do hereby adjudge and determine the said *A. B.* for the said offence, to forfeit and lose the sum of of lawful money of *Great Britain*, and do order the same be forthwith paid by him, (her, *or* them, *as the case may be,*) to *C. D.*

* [*naming.*]

Form of Commitment of a Person summoned as a Witness.

WHEREAS proof on oath hath been made before me, (or *us, naming the justice or justices signing the commitment*) one (or *two*) of his Majesty's justices of the peace for the county (*or* riding, city, liberty, township, division, or place) of on this day of

That *A. B.* hath been duly summoned, and hath neglected to appear and give evidence before *C. D.* and *E. F.* the arbitrators appointed by and between *G. H.* and *I. K.* to determine the matters in dispute between them at in the county (*or* riding, city, liberty, township, division, or place) of on the day of under and by virtue of an Act, made in the fortieth year of the reign of his present Majesty, intituled, "An Act, (here set forth the title of the Act);" and the said *A. B.* being required by me, the said justice, to give evidence before the said arbitrators, and still refusing so to do, therefore I (*or* we) the said justice (*or* justices) do hereby, in pursuance of the said Act, commit the said *A. B.* to the *(describing the prison, or the house of correction)*

No. XIII. 39 and 40 George III. c. 90.

there to remain without bail or mainprize for his (*or* her) offence aforesaid, until he (*or* she) shall submit himself (*or* herself) to be examined, and give his (*or* her) evidence before the said arbitrators, touching the matters referred to them as aforesaid, or shall otherwise be discharged by due course of law. And you the (constable *or* other peace officer or officers to whom the warrant is directed) are hereby authorized and required to take into your custody the body of the said *A. B.* and him (*or* her) safely to convey to the said prison (*or* house of correction), and him (*or* her) there to deliver to the gaoler (*or* keeper) thereof, who is hereby authorized and required to receive into his custody the body of the said *A. B.* and him (*or* her) safely to detain and keep, pursuant to this commitment.

Given under my (*or* our) hand (*or* hands) this day of in the year of our Lord

This commitment to be directed to the proper peace officer and the gaoler (*or* keeper) of the prison (*or* house of correction).

[No. XIV.] 39 and 40 George III. c. 106.—An Act to repeal an Act, passed in the last Session of Parliament, intituled, *An Act to prevent unlawful Combinations of Workmen;* and to substitute other Provisions in lieu thereof.—[29th *July* 1800.]

No. XIV. 39 and 40 George III. c. 106.

'WHEREAS it is expedient to explain and amend an Act, passed in the thirty-ninth year of the reign of his present Majesty, intituled, '*An Act to prevent unlawful Combinations of Workmen;*' Be it therefore enacted, by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act, the said Act shall be repealed; and that all contracts, covenants, and agreements whatsoever, in writing or not in writing, at any time or times heretofore made or entered into by or between any journeymen manufacturers or other persons within this kingdom, for obtaining an advance of wages of them or any of them, or any other journeymen manufacturers or workmen, or other persons in any manufacture, trade, or business, or for lessening or altering their or any of their usual hours or time of working, or for decreasing the quantity of work, (save and except any contract made or to be made between any master and his journeymen or manufacturer, for or on account of the work or service of such journeyman or manufacturer with whom such contract may be made,) or for preventing or hindering any person or persons from employing whomsoever he, she, or they shall think proper to employ in his, her, or their manufacture, trade or business, or for controlling (1) or any way affecting any person or persons carrying on any manufacture, trade, or business, in the conduct or management thereof, shall be and the same are hereby declared to be illegal, null, and void, to all intents and purposes whatsoever.

39 Geo. 3. c. 81. repealed.

All contracts heretofore entered into for obtaining an advance of wages, altering the usual time of working, decreasing the quantity of work, &c. (except contracts between masters and men) shall be illegal.

II. And be it further enacted, That no journeyman, workman, or other person shall at any time after the passing of this Act make or enter into, or be concerned in the making of or entering into any such contract, covenant, or agreement, in writing or not in writing, as is herein-before declared to be an illegal covenant, contract, or agreement; and every journeyman and workman or other person who, after the passing of this Act, shall be guilty of any of the said offences, being thereof lawfully convicted, upon his own confession, or the oath or oaths of one or more credible witness or witnesses, before any two justices of the peace for the county,

Every workman, after passing of this Act, who shall be guilty of any such offence, shall be committed to the common gaol for not

(1) In Rex v. Nield, 6 E. 417, it was ruled that a conviction for entering into an agreement for controlling the master manufacturers, was not sufficient, without particularly stating what the agreement was. It might be very desirable that an express provision should be made to render such statement unnecessary, as it may be often clear, from circumstantial evidence, that an agreement has been entered into in general for such a purpose, without its being possible to prove the precise terms of it.

No. XIV. 39 and 40 George III. c. 106.

riding, division, city, liberty, town, or place where such offence shall be committed, which oath either of such justices is hereby authorised and empowered to administer in such case, and in all other cases where an oath is to be taken before any justices of the peace in pursuance of this Act,) within three calendar months next after the offence shall have been committed, shall, by order of such justices, be committed to and confined in the common gaol within his or their jurisdiction, for any time not exceeding three calendar months, or at the discretion of such justices shall be committed to some house of correction within the same jurisdiction, there to remain and be kept to hard labour for any time not exceeding two calendar months.

more than three months, or the house of correction, for not more than two; on conviction before two justices;

III. And be it further enacted, That every journeyman or workman, or other person, who shall at any time after the passing of this Act, enter into any combination to obtain an advance of wages, or to lessen or alter the hours or duration of the time of working, or to decrease the quantity of work, or for any other purpose contrary to this Act, or who shall, by giving money, or by persuasion, solicitation, or intimidation, or any other means, wilfully and maliciously endeavour to prevent any unhired or unemployed journeyman or workman, or other person, in any manufacture, trade, or business, or any other person wanting employment in such manufacture, trade, or business, from hiring himself to any manufacturer, or tradesman, or person conducting any manufacture, trade, or business, or who shall, for the purpose of obtaining an advance of wages, or for any other purpose contrary to the provisions of this Act, wilfully and maliciously decoy, persuade, solicit, intimidate, influence, or prevail, or attempt or endeavour to prevail, on any journeyman or workman, or other person hired or employed, or to be hired or employed in any such manufacture, trade, or business, to quit or leave his work, service, or employment, or who shall wilfully and maliciously hinder or prevent any manufacturer or tradesman, or other person, from employing in his or her manufacture, trade, or business, such journeymen, workmen, and other persons as he or she shall think proper, or who, being hired or employed shall, without any just or reasonable cause, refuse to work with any other journeyman or workman employed or hired to work therein, and who shall be lawfully convicted of any of the said offences, upon his own confession, or the oath or oaths of one or more credible witness or witnesses, before any two justices of the peace for the county, riding, division, city, liberty, town, or place, where such offence shall be committed, within three calendar months next after the offence shall have been committed, shall, by order of such justices, be committed to and be confined in the common gaol, within his or their jurisdiction for any time not exceeding three calendar months; or otherwise be committed to some house of correction, within the same jurisdiction, there to remain and be kept to hard labour for any time not exceeding two calendar months (1).

as also any workman entering into any combination for advancing wages, &c. or who shall wilfully and maliciously endeavour to prevent any workman from hiring himself, or prevail on him to quit his employ, or who shall hinder any master from employing any person or without reasonable cause, shall refuse to work with any other workman;

IV. 'And for the more effectual suppression of all combinations amongst 'journeymen, workmen, and other persons employed in any manufacture, 'trade, or business,' Be it further enacted, That all and every persons and person whomsoever, (whether employed in any such manufacture, trade, or business, or not,) who shall attend any meeting had or held for the purpose of making or entering into any contract, covenant or agreement, by this Act declared to be illegal, or of entering into, supporting, maintaining, continuing, or carrying on any combination for any purpose by this Act declared to be illegal, or who shall summons, give notice to, call upon, persuade, entice, solicit, or by intimidation, or any other means, endeavour to induce any journeyman, workman, or other person employed in any manufacture, trade, or business, to attend any such meeting, or who shall collect, demand, ask, or receive any sum of money from any such journeyman, workman, or other person, for any of the purposes aforesaid, or who shall persuade, entice, solicit, or by intimidation, or any other

and also all persons who shall attend any meeting for the purpose of making any such illegal contract, or who shall summon or by intimidation, &c. endeavour to induce any journeyman to attend any such meeting

(1) A conviction of a journeyman calico printer, under this statute, and 41 Geo. 3. c. 38, for refusing to work, was held bad for want of stating that such refusal was made within the jurisdiction of the convicting magistrates. Rex v. Hazell, 13 E. R. 139.

means, endeavour to induce any such journeyman, workman, or other person, to enter into or be concerned in any such combination, or who shall pay any sum of money, or make or enter into any subscription or contribution, for or towards the support or encouragement of any such illegal meeting or combination, and who shall be lawfully convicted of any of the said offences, upon his own confession, or the oath or oaths of one or more credible witness or witnesses, before any two justices of the peace for the county, riding, division, city, liberty, town, or place where such offence shall be committed, within three calendar months next after the offence shall have been committed, shall, by order of such justices, be committed to and confined in the common gaol within his or their jurisdiction, for any time not exceeding three calendar months; or otherwise be committed to some house of correction within the same jurisdiction, there to remain and be kept to hard labour for any time not exceeding two calendar months.

or who shall collect any money, &c.

V. And be it further enacted, That no person (whether employed as a journeyman or workman in any manufacture, trade, or business, or not) shall at any time after the passing of this Act wilfully pay or give any sum of money, as a subscription or contribution for the purpose of paying expences incurred or to be incurred by any person or persons acting contrary to the provisions of this Act, by payment of money, or other means, support or maintain any journeyman, workman, or other person, or contribute towards his support or maintenance, for the purpose of inducing him to refuse to work, or to be hired or employed in any manufacture, trade, or business; and every person who shall be guilty of any such offence shall forfeit and lose any sum not exceeding the sum of ten pounds; and every journeyman, workman, and other person, who shall collect or receive any money or valuable thing for any of the purposes aforesaid, shall forfeit and lose any sum not exceeding the sum of five pounds; such penalties of ten pounds and five pounds respectively to be forfeited, one moiety to his Majesty, and the other moiety to the informer and poor of the parish where such offence has been committed, to be equally divided between them; and all and every of the said offences shall be heard and determined in a summary way, before two justices of the peace for the county, riding, division, city, liberty, town, or place, where such offence shall be committed, and the conviction for the same may be had and made upon the oath or oaths of one or more credible witness or witnesses; and the amount of the forfeiture or penalty for every such offence shall be fixed and determined by such justices, but not exceeding the several sums herein-before mentioned; and in case any such forfeiture or penalty shall not be forthwith paid pursuant to such conviction, such justices shall, by warrant under their hands, cause the same to be levied by distress and sale of the offender's goods and chattels, together with all costs and charges attending such distress and sale; and in case no sufficient distress can be had, such justices shall, by warrant under their hands, commit the offender to the common gaol within his or their jurisdiction, there to remain, without bail or mainprize, for any time not exceeding three calendar months nor less than two calendar months; or otherwise, at the discretion of such justices, to some house of correction within their jurisdiction, there to remain and be kept to hard labour for any time not exceeding two calendar months.

No person shall contribute for any expences incurred for acting contrary to this Act, or towards the support of any person to induce him not to work, on penalty not exceeding 10*l.* and any person collecting money for such purposes, shall forfeit, not exceeding 5*l.* one moiety to his Majesty, and the other to the informer and the poor of the parish. Offences shall be determined in a summary way before two justices who shall fix the penalty, and if not paid, shall cause it to be levied by distress, or in default thereof shall commit the offender to the common gaol or house of correction.

VI. And be it further enacted, That all sums of money which at any time heretofore have been paid or given as a subscription or contribution for or towards any of the purposes prohibited by this Act, and shall, for the space of three calendar months next after the passing of this Act, remain undivided in the hands of any treasurer, collector, receiver, trustee, agent, or other person, or placed out at interest, and all sums of money which shall at any time after the passing of this Act, be paid or given as a subscription or contribution for or towards any of the purposes prohibited by this Act, shall be forfeited, one moiety thereof to his Majesty, and the other moiety to such person as will sue for the same in any of his Majesty's Courts of Record at *Westminster*; and any treasurer, collector, receiver, trustee, agent, or other person in whose hands or in whose name any such Act, shall be forfeited, as also all future contributions for the like purposes, his Majesty, and the other to the person who shall sue for the same.

Contributions already made for any prohibited purposes and not divided for three months after passing this one moiety to

No. XIV. 39 and 40 George III. c. 106.

sum of money shall be, or shall be placed out, or unto whom the same shall have been paid or given, shall and may be sued for the same as forfeited as aforesaid.

Persons liable to be sued for contribution money, shall be obliged to answer on oath to any information preferred against them.

VII. 'And for the better discovery of all sums of money which have 'been or shall be paid or given by way of subscription or contribution for 'any purpose prohibited by this Act,' Be it further enacted, That all and every the persons and person who shall or may be liable by virtue of this Act to be sued for the same, shall be obliged and compellable to answer upon oath to any information which shall or may be preferred against them or him in any court of equity, by or in the name of his Majesty's Attorney-General on the part of his Majesty, or at the relation of any informer, for discovering the sum and sums of money so paid or given for any of the prohibited purposes aforesaid, and such court shall and may make such orders and decrees therein as to such court shall seem just, and no person shall demur to or refuse to answer such information by reason of any penalty or forfeiture to which such person may be liable in consequence of any discovery which may be sought thereby.

Upon payment into Court of the money remaining in the hands of any person at the time of filing information and making discovery of the securities upon which other monies shall have been placed, the party shall be discharged from penalty.

VIII. Provided always, and be it enacted, That upon payment into the court, in which such information shall be filed, of all the money paid or given unto any such treasurer, collector, receiver, trustee, agent, or other person for any of the prohibited purposes aforesaid, and remaining in his hands at the time of filing such informations, and upon making a full discovery of all the securities in or upon which all such money which shall not be so remaining in his hands shall have been placed out or invested, the person or persons paying such money into court and making such discovery shall be acquitted and discharged from all forfeitures and penalties which shall or may have been incurred by him or them, by reason of having collected or received such money, or otherwise acting concerning the same, and from all actions and other suits respecting the same by any person or persons whomsoever, any statute, law, or usage, or any thing in this Act contained to the contrary thereof in anywise notwithstanding; nor shall any person be liable to any forfeiture or penalty or to any prosecution whatsoever, for or in respect of any sum of money which such person shall discover to have been paid, received, or given by any answer to any such information as aforesaid.

No person liable to penalty for money discovered by any answer to an information.

Offenders may be compelled to give evidence, and shall be indemnified from prosecution, for any offence relative to which they give testimony.

IX. And be it further enacted, That all and every person and persons who shall or may offend against this Act, shall and may, equally with all other persons, be called upon and compelled to give his or her testimony and evidence, as a witness or witnesses on behalf of his Majesty, or of the prosecutor or informer, upon any information to be made or exhibited under this Act against any other person or persons, not being such witness or witnesses as aforesaid; and that in all such cases, every such person having given his or her testimony or evidence as aforesaid, shall be and hereby is indemnified of, from, and against any information to be laid, or prosecution to be commenced against him or her for having offended in the matter wherein or relative to which he, she, or they shall have given testimony or evidence as aforesaid.

Justices may summon offenders, and on their not appearing, or in the first instance, may issue warrants for their apprehension, and on their appearing, or on proof of their absconding

X. 'And for the more effectually enforcing and carrying into execution 'the provisions of this Act,' Be it further enacted, That on complaint and information on oath before any one or more justice or justices of the peace, of any offence having been committed against this Act within his or their respective jurisdictions, such justice or justices are hereby authorized and required to summon the person or persons charged with being an offender or offenders against this Act, to appear before any two such justices, at a certain time or place to be specified, and if any person or persons so summoned shall not appear according to such summons, then such justices (proof on oath having been first made before them or him of the due service of such summons upon such person or persons, by delivering the same to him or them personally, or leaving the same at his or their usual place of abode, provided the same shall be so left twenty-four hours at the least before the time which shall be appointed to attend the said justices upon such summons) shall make and issue their or his warrant or warrants for apprehending the person or persons so summoned and not appearing as aforesaid, and bringing him or them before such justices, or it shall be

lawful for such justices, if they shall think fit, without issuing any previous summons, and instead of issuing the same, upon such complaint and information on oath as aforesaid, to make and issue their warrant or warrants for apprehending the person or persons by such information charged to have offended against this Act, and bringing him or them before such justices; and upon the person or persons complained against appearing upon such summons, or being brought by virtue of such warrant or warrants before such justices, or upon proof on oath of such person or persons absconding, so that such warrant or warrants cannot be executed, then such justices shall, and they are hereby authorized and required, forthwith to make enquiry touching the matters complained of, and to examine into the same, by the oath or oaths of any credible persons, as shall be requisite, and to hear and determine the matter of every such complaint, and upon confession by the party, or proof by one or more credible witness or witnesses, upon oath, to convict or acquit the party or parties against whom complaint shall have been made as aforesaid.

may convict or acquit the parties.

XI. And be it further enacted, That it shall be lawful for the justices of the peace before whom any such complaint and information shall be made as aforesaid, and they are hereby authorized and required, at the request in writing of any of the parties, to issue his or their summons to any witness or witnesses to appear and give evidence before such justices at the time and place appointed for hearing and determining such complaint, and which time and place shall be specified in such summons; and if any person or persons so summoned to appear as a witness or witnesses as aforesaid, shall not appear before such justices at the time and place specified in such summons, or offer some reasonable excuse for the default, or appearing according to such summons, shall not submit to be examined as a witness or witnesses, and give his or their evidence before such justices touching the matter of such complaint, then and in every such case it shall be lawful for such justices, and they are hereby authorized (proof on oath in the case of any person not appearing according to such summons having been first made before such justice or justices of the due service of such summons on every such person, by delivering the same to him or her, or by leaving the same twenty-four hours before the time appointed for such person to appear before such justices, at the usual place of abode of such person), by warrant under the hands of such justices to commit such person or persons so making default in appearing, or appearing and refusing to give evidence, to some prison within the jurisdiction of such justices, there to remain without bail or mainprize, until such person or persons shall submit himself, herself, or themselves to be examined, and give his, her, or their evidence before such justices as aforesaid.

Justices may summon witnesses, and for non-appearance or refusal to give evidence, may commit them.

XII. And be it further enacted, That the justices before whom any person or persons shall be convicted of any offence against this Act, or by whom any person shall be committed to prison for not appearing as a witness, or not submitting to be examined, shall cause all such convictions, and the warrants or orders for such commitment, to be drawn up in the form, or to the effect set forth in the first schedule to this Act.

Convictions and commitments to be drawn up in the form in the first schedule.

XIII. And be it further enacted, That the justices before whom any such conviction shall be had, shall cause the same (drawn up in the form or to the effect herein-before directed) to be fairly written on parchment, and transmitted to the next general sessions or general quarter sessions of the peace to be holden for the county, riding, division, city, liberty, town, or place wherein such conviction was had, to be filed and kept amongst the records of the said general sessions, or general quarter sessions; and in case any person or persons shall appeal, in manner herein-after mentioned, from the judgment of the said justices to the said general sessions or general quarter sessions, the justices in such general sessions, or general quarter sessions, are hereby required, upon receiving such conviction, to proceed to the hearing and determination of the matter of the said appeal, according to the directions of this Act.

Convictions to be transmitted to the next general or quarter sessions to be filed, and if appeal be made the justices shall then proceed to hear it.

XIV. Provided always and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to repeal, take away, or abridge the powers and authorities given to any justice or justices of the

Act not to abridge powers now given

No. XIV. 39 and 40 George III. c. 106.

peace in and by any Act or Acts of Parliament heretofore made and now in force touching any combinations of manufacturers, journeymen, or workmen, or for settling and adjusting disputes or differences between masters and their journeymen, workmen, or other persons employed by them in any manufacture, trade, or business, or the rate or amount of wages to be paid to such journeymen, workmen, or other persons, or the mode or time of their working or being employed, or the quantity of work to be done, or touching any matter whatsoever also provided for by this Act; but that all justices of the peace shall continue to use, exercise, and execute all the powers and authorities given to them in and by such Acts of Parliament, or any of them, in such and the same manner as they could or might have done if this Act had not been made; any thing herein contained to the contrary in anywise notwithstanding.

by law to justices touching combinations of manufacturers, &c.;

XV. Provided always, that this Act shall not extend to authorize or empower any person or persons carrying on any manufacture, trade, or business, to employ therein any journeyman or workman contrary to the regulations and provisions contained in any Act or Acts of Parliament which hath or have been heretofore made, and is and are now in force, for settling, regulating, or directing the manner or method of conducting, managing, or carrying on any particular manafacture, trade, or business, or the work or service of the persons employed therein, without the previous licence and consent in writing of one justice of the peace for the county, riding, division, city, liberty, town, or place in which such manufacture, trade, or business shall be carried on, expressing the cause or reason of giving or granting the same; which licence it shall be lawful for one such justice to grant whenever the qualified journeymen or workmen usually employed in any manufacture, trade, or business, shall refuse to work therein for reasonable wages, or to work for any particular person or persons, or to work with any particular persons, or shall, by refusing to work for any cause whatsoever, or by misconducting themselves when employed to work, in any manner impede or obstruct the ordinary course of any manufacture, trade, or business, or endeavour to injure the person or persons carrying on the same.

nor to empower manufacturers to employ workmen contrary to the provisions now in force for regulating the conduct of any particular manufacture, without licence from a justice, who is empowered to grant the same in case of the misconduct of qualified workmen.

XVI. Provided also, and be it further enacted by the authority aforesaid, That no justice of the peace, being also a master in the particular trade or manufacture in or concerning which any offence is charged to have been committed under this Act, shall act as such justice under this Act; any thing herein contained, or any former statute, law, usage, or custom to the contrary thereof in anywise notwithstanding.

No master in the trade in which any offence is charged to have been committed, shall act as justice under this Act.

XVII. And be it further enacted by the authority aforesaid, That all contracts, covenants, and agreements whatsoever, in writing or not in writing, made or to be made by or between any masters or other persons, for reducing the wages of workmen, or for adding to or altering the usual hours or time of working, or for increasing the quantity of work, shall be, and the same are hereby declared to be illegal, null and void, to all intents and purposes whatsoever; and all and every such masters, being thereof lawfully convicted by the oath or oaths of one or more credible witness or witnesses, before any two justices of the peace for the county, riding, division, city, liberty, town, or place, where such offence shall have been committed, within three calendar months next after the offence shall have been committed, shall forfeit and lose the sum of twenty pounds, one moiety thereof to his Majesty, and the other moiety in equal shares to the informer and the poor of the parish where such offence has been committed; and in case any such forfeiture or penalty shall not be forthwith paid pursuant to such conviction, such justices shall, by warrant under their hands, cause the same to be levied by distress and sale of the offender's goods and chattels, together with all costs and charges attending such distress and sale; and in case no sufficient distress can be had, such justices shall, by warrant under their hands, commit the offender to the common gaol, or some house of correction within their jurisdiction, for any time not exceeding three calendar months, nor less than two calendar months.

All contracts between masters or other persons, for reducing the wages of workmen or for altering the usual hours of working, or increasing the quantity of work, shall be void, and masters convicted thereof shall forfeit 20*l.* one moiety to his Majesty, and the other to the informer and the poor of the parish, which may be levied by distress, and if not paid, the offender may be committed.

XVIII. 'And whereas it will be a great convenience and advantage to 'masters and workmen engaged in manufactures, that a cheap and sum-'mary mode be established for settling all disputes that may arise between 'them respecting wages and work;' Be it further enacted by the authority aforesaid, That from and after the first day of *August*, in the year of our Lord one thousand eight hundred, in all cases that shall or may arise within that part of *Great Britain* called *England*, where the masters and workmen cannot agree respecting the price or prices to be paid for work, actually done in any manufacture, or any injury or damage done, or alleged to have been done by the workmen to the work, or respecting any delay, or supposed delay, on the part of the workmen in finishing the work, or the not finishing such work in a good and workmanlike manner, or according to any contract; and in all cases of dispute or difference touching any contract or agreement for work or wages between masters and workmen in any trade or manufacture, which cannot be otherwise mutually adjusted and settled by and between them, it shall and may be, and it is hereby declared to be lawful, for such masters and workmen, between whom such dispute or difference shall arise as aforesaid, or either of them, to demand and have an arbitration or reference of such matter or matters in dispute, and each of them is hereby authorised and empowered forthwith to nominate and appoint an arbitrator for and on his respective part and behalf, to arbitrate and determine such matter or matters in dispute as aforesaid, by writing, subscribed by him in the presence of and attested by one witness in the form expressed in the second schedule to this Act, and to deliver the same personally to the other party, or to leave the same for him at his usual place of abode, and to require the other party to name an arbitrator in like manner within two days after such reference to arbitration shall have been so demanded; and such arbitrators so appointed as aforesaid, after they shall have accepted and taken upon them the business of the said arbitration, are hereby authorised and required to summon before them, and examine upon oath the parties and their witnesses (which oath the said arbitrators are hereby authorised and required to administer according to the form set forth in the second schedule to this Act), and forthwith to proceed to hear and determine the complaints of the parties, and the matter or matters in dispute between them; and the award to be made by such arbitrators within the time herein-after limited shall in all cases be final and conclusive between the parties; but in case such arbitrators so appointed shall not agree to decide such matter or matters in dispute so to be referred to them as aforesaid, and shall not make and sign their award within the space of three days after the signing of the submission to their award by both parties, that then it shall be lawful for the parties, or either of them, to require such arbitrators forthwith and without delay to go before and attend upon one of his Majesty's justices of the peace acting in and for the county, riding, city, liberty, division, or place where such dispute shall happen and be referred, and state to such justice the points in difference between them the said arbitrators, which points in difference the said justice shall and is hereby authorised and required to hear and determine, and for that purpose to examine the parties and their witnesses upon oath, if he shall think fit; which determination of such justice shall be made and signed within the space of three days after the expiration of the time hereby allowed the arbitrators to make and sign their award, and shall be final and conclusive between the parties so differing as aforesaid; and if either of the said parties, or their respective witnesses, having been duly summoned, shall neglect or refuse to attend such arbitrators at the time and place by them for that purpose appointed, it shall and may be lawful for any one or more of his Majesty's justices of the peace acting in and for the county, riding, city, liberty, division, township, or place where such dispute shall happen, and he or they are hereby required, upon proof on oath being made before him or them of the service of such summons personally, and also upon the like proof of the neglect or refusal of such person to attend the said arbitrators in pursuance of such summons, (unless a reasonable excuse be made for such non-attendance to the satisfaction of such justice or justices,) to issue his or their warrant under his or their hand or

Disputes between masters and workmen may be settled by arbitration.

If arbitrators shall not decide the matter within three days after submission to their award, either party may require them to go before, and state to a justice the points in difference, who shall finally determine the same.

Persons summoned, neglecting to attend the arbitrators, or refusing to be examined, may be committed by a justice;

No. XIV. 39 and 40 George III. c. 106.

hands for the apprehending and bringing such person before him or them, and if any such person so being brought before such justice or justices shall still refuse to be examined, or to give his or their testimony before such arbitrators touching the premises, such person so refusing shall be by the said justice or justices committed to the house of correction within his or their jurisdiction, there to remain without bail or mainprize until he or she shall submit to be examined before the arbitrators touching the premises aforesaid or until the time for making an award by such arbitrators shall be expired.

but the parties may extend the time limited for making award.

XIX. Provided always, and be it further enacted, That if the parties who shall have signed any submission to arbitration shall think it expedient, or be minded and desirous to extend the time hereby limited for the making of the award or umpirage, it shall and may be lawful for them to extend the same accordingly, by indorsement on the back of such submission, to be signed by both of them in the presence of one or more credible witness or witnesses; any thing hereinbefore contained to the contrary thereof in anywise notwithstanding.

The submission to arbitration and the award may be on unstamped paper, in the form in the second schedule.

XX. Provided also, and be it further enacted, That the submission to such arbitration, and the award or umpirage to be made thereon, shall and may be drawn up, and written at the foot of such submission, upon unstamped paper, in the respective forms or to the effect set forth in the second schedule to this Act: any law, usage, or custom to the contrary thereof in anywise notwithstanding.

XXI. Provided also, and be it further enacted, That there shall, in all cases, be written or engrossed two parts of the submission to arbitration, one for each of the parties subscribing the same.

Each party to have a copy of the submission.

XXII. And be it further enacted by the authority aforesaid, That in every case of dispute or difference between any such masters and workmen in such trade or manufacture as aforesaid, if an arbitration shall be demanded, and the submission thereto signed, and an arbitrator therein named by either of the said parties, and the other or others of them shall refuse or neglect to sign the said submission, and appoint his or their arbitrator within the time hereinbefore limited for that purpose, the party or parties so neglecting, or refusing to sign the said submission, or to appoint his or their arbitrator as aforesaid, shall each and every of them, if more than one, on conviction of every such offence before two or more of his Majesty's justices of the peace for the county, riding, division, city, town, or place where such offence shall have been committed, forfeit and lose the sum of ten pounds, one moiety to his Majesty, and the other moiety to the poor of the parish wherein such offence shall be committed; and in case any such forfeiture or penalty shall not be forthwith paid pursuant to such conviction, such justices shall, by warrant under their hands, cause the same to be levied by distress and sale of the offender's goods and chattels, together with all costs and charges attending such distress and sale; and in case no sufficient distress can be had, such justices shall, by warrant under their hands, commit the offenders to the common gaol, or some house of correction, within his or their jurisdiction, there to remain without bail or mainprize for any time not exceeding three calendar months, nor less than two calendar months; and if either party shall refuse to do and perform what by any such award or umpirage he shall be directed to do and perform, and shall be thereof convicted before two or more justices of the peace for the county, riding, division, city, liberty, or place where such offence shall be committed, it shall be lawful for such justices, by warrant under their hands, to commit the offender or offenders to the common gaol or house of correction within his or their jurisdiction, there to remain without bail or mainprize, until he shall fully perform such award or umpirage: Provided always, That nothing in this Act contained shall extend to make any person guilty of any offence in not attending at more than one arbitration at the same time, or more than two arbitrations in one day; and that it shall be lawful, in all cases, for any master who shall not be actually resident at the time at any place where his trade or manufacture shall be carried on by any agent, to appoint any person or persons to act for him in the same manner as he might do if present.

If an arbitration be demanded, and the submission signed and an arbitrator named by either party, and the other shall refuse to sign the submission and appoint his arbitrator he shall, on conviction, forfeit 10*l.* one moiety to his Majesty and the other to the poor of the parish, which may be levied by distress, or in default, the offender may be committed for 3 months, or not less than two.

If either party shall not perform what is directed by the award, he may be committed till performance.—No person guilty in not attending at more than one arbitration at a time, or more than two in one day.—Non-resident masters may appoint persons to act for them.

ried on, to authorize any person to act for him, in signing submissions to arbitration, and attending arbitrators or justices touching the matter of any arbitration.

XXIII. Provided always, and be it further enacted, That if any person convicted of any offence or offences punishable by this Act, shall think himself or herself aggrieved by the judgment of such justice or justices before whom he or she shall have been convicted, such person shall have liberty to appeal from every such conviction to the next court of general sessions, or general quarter sessions of the peace, which shall be held for the county, riding, division, city, liberty, town, or place wherein such offence was committed; and that the execution of every judgment so appealed from shall be suspended in case the person so convicted shall immediately enter into recognizance before such justices, (which they are hereby authorized and required to take,) himself in the penalty of ten pounds, with two sufficient sureties in the penalty of five pounds each, of lawful money of *Great Britain*, upon condition to prosecute such appeal with effect, and to be forthcoming to abide the judgment and determination of the said next general sessions, or general quarter sessions, and to pay such costs as the said court shall award on such occasion: and the justices in the said next court of general sessions, or general quarter sessions, are hereby authorized and required to hear and determine the matter of the said appeal, and to award such costs as to them shall appear just and reasonable to be paid by either party, which decision shall be final; and if, upon hearing the said appeal, the judgment of the justice or justices before whom the appellant shall have been convicted shall be affirmed, such appellant shall forthwith pay the forfeiture or penalty (if any) mentioned in such conviction, and the costs awarded to be paid by such appellant; and in default of payment thereof, or in case such conviction shall contain a judgment of imprisonment, such appellant shall immediately be committed by the said court to the common gaol or house of correction, according to such conviction, and for the space of time therein mentioned, without bail or mainprize, and also until the payment of such costs as shall be awarded by the same court to be paid by such appellant.

Appeal may be made to the general sessions, or general quarter sessions whose decision shall be final.

XXIV. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed, deemed, or taken to extend, to repeal the said recited Act, as to any offence committed, or any penalty or forfeiture incurred, or any act, matter, or thing done or happened before the passing of this Act; but that the said recited Act shall, as to every such offence, penalty, forfeiture, act, matter, and thing, be and remain in full force and effect, notwithstanding any thing in this Act contained to the contrary; and every such offence shall and may be prosecuted and punished, and every such penalty and forfeiture shall and may be awarded, levied, and recovered, and all proceedings touching any such offence, penalty, forfeiture, act, matter, and thing, shall and may be had under and by virtue of the said recited Act, to all intents and purposes, in such and the same manner, and with the like force and effect after the passing of this Act, as if the said recited Act had remained wholly unrepealed, and in full force and effect, and as if this Act had not been made; any thing herein contained to the contrary notwithstanding.

Act not to repeal recited Act as to any offence committed, or any penalty incurred before passing this Act.

XXV. And be it further enacted, That if any action or suit shall be brought or commenced against any person or persons, for any thing by him, her, or them done or executed in pursuance of this Act, or for any cause, matter, or thing herein contained, such action or suit shall be commenced within three calendar months next after the matter or thing done, and shall be laid in the proper county, and the defendant or defendants in such action or suit may plead the general issue, and give the special matter in evidence for his or their defence; and if upon trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs become nonsuited, or discontinue his, her, or their action or prosecution, or judgment shall be given against him, her, or them, upon demurrer or otherwise, then such defendant or defendants shall have full costs awarded to him or them against such plaintiff or plaintiffs.

Limitation of actions; three months.

General issue.

Costs.

No. XIV.
39 and 40 George III. c. 106.

First Schedule to which this Act refers.

Form of Conviction and Commitment.

BE it remembered, That on the day of in the year of his Majesty's reign, and in the year of our Lord *A. B.* is convicted before us [*naming the justices*] two of his Majesty's justices of the peace for the county [*or* riding, division, city, liberty, town or place] of of having [*stating the offence*] contrary to the statute made in the thirty-ninth year of the reign of his present Majesty, intituled, *An Act* [*here set forth the title of the Act*] and we, the said justices, do hereby order and adjudge the said *A. B.* for the said offence to be committed to and confined in the common gaol for the said county [*or* riding, division, city, liberty, town, or place] for the space of [*or* to be committed to the house of correction] at within the said county, [*or* riding, division, city, liberty, town, or place] there to be kept to hard labour for the space of .]

Given under our hands the day and year above written.

Form of Conviction in a pecuniary Penalty.

BE it remembered, That on [*pursuing the same form as far as the title of this Act*], and we, the said justices, do hereby adjudge and determine the said *A. B.* for the said offence to forfeit and lose the sum of of lawful money of *Great Britain*, and do order the same to be forthwith paid by him, [*or*, her] into our hands, for the use of his Majesty.

Given under [*as before*].

Form of Commitment of a Person summoned as a witness.

WHEREAS *C. D.* hath been duly summoned to appear and give evidence before us [*naming the justices who issued the summons*], two of his Majesty's justices of the peace for the county [*or* riding, division, city, liberty, town, or place] of on this day of at being the time and place appointed for hearing and determining the complaint made on the oath of [*the informer or prosecutor*] before us, against *A. B.* of having [*stating the offence as laid in the information*] contrary to the statute made in the thirty-ninth year of the reign of his present Majesty, intituled, *An Act* [*here insert the title of the Act*]: And whereas the said *C. D.* hath not appeared before us at the time and place aforesaid specified for that purpose, or offered any reasonable excuse for his [*or* her] default, [*or*, And whereas the said *C. D.* having appeared before us at the time and place aforesaid specified for that purpose, hath not submitted to be examined as a witness, and give his [*or* her] evidence before us, touching the matter of the said complaint, but hath refused so to do]: Therefore we the said justices do hereby, in pursuance of the said statute, commit the said *C. D.* to the [*describing the prison*], there to remain, without bail or mainprize for his [*or* her] contempt aforesaid, until he [*or* she] shall submit himself [*or* herself] to be examined and give his [*or* her] evidence before us, touching the matter of the said complaint, or shall otherwise be discharged by due course of law; and you the [constable, *or other peace officer or officers to whom the warrant is directed*] are hereby authorized and required to take into your custody the body of the said *C. D.* and him [*or* her] safely to convey to the said prison, and him [*or* her] there to deliver to the gaoler or keeper thereof, who is hereby authorized and required to receive into his custody the body of the said *C. D.* and him [*or* her] safely to detain and keep, pursuant to this commitment.

Given under our hands this day of in the year of our Lord

[This commitment to be directed to the proper peace-officer, and the gaoler or keeper of the prison.]

SECOND SCHEDULE to which this Act refers:

Form of the Oath to be administered by the Arbitrators to the Parties and Witnesses under this Act.

THE evidence that you shall give before us, the arbitrators appointed by *A. B.* and *C. D.* (*the parties to the submission,*) to determine the matters in difference between them, under and by virtue of an Act, passed in the fortieth year of the reign of King *George* the Third, intituled, *An Act* (*state the title of the Act*), shall be the truth, the whole truth, and nothing but the truth. So help you *GOD.*

Form of the Submission to Arbitration, and of the Award to be made in pursuance of this Act.

I *A. B.* of, &c. (*set forth the name, residence, and description of the party*), do hereby nominate and appoint *C. D.* of &c. an arbitrator under and by virtue of an Act, passed in the fortieth year of the reign of King *George* the Third, intituled, *An Act* (*set forth the title of the Act*), to hear and determine the matters in difference between me and *E. F.* of, &c.

I *E. F.* of, &c. do appoint *G. H.* of, &c. to be an arbitrator under the said Act for the purposes aforesaid.

Form of the Award or Umpirage to be made by the Arbitrators or Umpire, and to be written at the Foot of the Submission.

WE, *I. K.* and *L. M.* of, &c. the arbitrators above named [*or* I *N. O. the justice, as the case may be*], do hereby adjudge and determine that, &c. [*here set forth the determination to which the arbitrators or justice, as the case may be, shall subscribe their names.*)

Witness, *P. Q.*

Form of a Conviction in a pecuniary Penalty.

BE it remembered, That on the day of in the year of the reign of and in the year of our Lord *A. B.* is convicted before us, (*naming the justices*) two of his Majesty's justices of the peace for the county, (*or* riding, city, liberty, division or place) of for that the said *A. B.* (*state the offence as for neglecting to sign the submission, or refusing to submit to the award within the time limited, as the case may be*), contrary to the statute made in the fortieth year of the reign of King *George* the Third, intituled, *An Act* [*here set forth the title of the Act*]; and we the said justices do hereby adjudge and determine the said *A. B.* for the said offence, to forfeit and lose the sum of of lawful money of *Great Britain*, and do order the same to be forthwith paid by him, (her, *or* them, *as the case may be,*) to *C. D.*

Form of Commitment of a Person summoned as a Witness before the Arbitrators.

WHEREAS proof on oath hath been made before us, (*naming the justices signing the commitment*) two of his Majesty's justices of the peace for the county, (*or* riding, city, liberty, division, or place) of on this day of That *A. B.* hath been duly summoned, and hath neglected to appear and give evidence before *C. D.* and *E. F.* the arbitrators appointed by and between *G. H.* and *I. K.* to determine the matters in dispute between them at in the county, (*or* riding, city, liberty, division, or place) of on the day of under and by virtue of an Act, made in the fortieth year of the reign of King *George* the Third, intituled *An Act (here set forth the title of the Act)*; and the said

No. XIV. 30 & 40 George III. c. 106.

A. B. being required by us, the said justices, to give evidence before the said arbitrators, and still refusing so to do, therefore we the said justices do hereby, in pursuance of the said Act, commit the said *A. B.* to the *(describing the prison, or the house of correction)* there to remain without bail or mainprize for his (*or* her) offence aforesaid, until he, (*or* she) shall submit himself (*or* herself) to be examined, and give his (*or* her) evidence before the said arbitrators, touching the matters referred to them as aforesaid, or shall otherwise be discharged by due course of law. And you the (constable *or* other peace officer or officers to whom the warrant is directed) are hereby authorized and required to take into your custody the body of the said *A. B.* and him (*or* her) safely to convey to the said prison (*or* house of correction, and him (*or* her) there to deliver to the goaler (*or* keeper) thereof, who is hereby authorized and required to receive into his custody the body of the said *A. B.* and him (*or* her) safely to detain and keep, pursuant to this commitment.

Given under our hands this day of in the year of our Lord

This commitment to be directed to the proper peace officer and the gaoler (*or* keeper) of the prison (*or* house of correction.)

[No. XV.] 41 George III. c. 38.—An Act to amend so much of an Act passed in the thirty-ninth and fortieth Years of the Reign of his present Majesty, intituled, *An Act to repeal an Act, passed in the last Session of Parliament*, intituled, *An Act to prevent unlawful Combinations of Workmen, and to substitute other Provisions in lieu thereof*; as relates to Forms of Convictions therein referred to. —[21st *May* 1801.]

No. XV. 41 Geo. III. c. 38.

39 and 40 G. 3. c. 106.

'WHEREAS doubts have arisen as to certain forms of conviction prescribed in a schedule to an Act, passed in the thirty-ninth and fortieth years of the reign of his present Majesty, intituled, *An Act to repeal an Act, passed in the last Session of Parliament*, intituled, *An Act to prevent unlawful Combinations of Workmen; and to substitute other Provisions in lieu thereof:* And whereas it is expedient that those doubts should be removed,' for remedy whereof, be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act, so much of the said schedule to the said Act annexed, as contains the form intituled *Form of Conviction and Commitment*, in the said schedule; and also as contains the form intituled, *Form of Conviction in a pecuniary Penalty*, shall be and the same is hereby repealed; and that instead and in lieu thereof, the schedule to this Act annexed, and the forms therein contained, shall be severally used, applied, and construed in like manner as if the said forms were specially enacted in the said recited Act, and that the said schedule to this Act annexed, and the forms therein contained, shall be deemed and taken to be a part of the schedule to the said recited Act; and that all the provisions of the said Act, and the references therein contained to the said schedule to the said recited Act, and the two several forms therein contained and hereby repealed, shall be applied, construed, deemed, and taken to refer to the schedule to this Act annexed, and to the forms therein contained, and be extended to and construed in like manner as if the same had been enacted in the said Act.

So much of the first schedule of the recited Act as relates to the forms of conviction repealed, and instead thereof the forms hereto annexed shall be used.

SCHEDULE to which this Act refers.

Form of Conviction and Commitment.

BE it remembered, That on the day of in the year of his Majesty's reign, and in the year of our Lord *A. B.* is convicted before us, [*naming the justices,*] two of his Majesty's justices of

No. XV. 41 Geo. III. c. 38.

the peace for the county, [*or*, riding, division, city, liberty, town, *or* place,] of of having [*stating the offence*], contrary to the statute made in the thirty-ninth and fortieth years of the reign of his present Majesty, intituled, *An Act to repeal an Act, passed in the last Session of Parliament*, intituled, *An Act to prevent unlawful Combinations of Workmen; and to substitute other Provisions in lieu thereof;* and we the said justices do hereby order and adjudge the said *A. B.* for the said offence, to be committed to and confined in the common gaol for the said county, [*or* riding, division, city, liberty, town, *or* place,] for the space of [*or* to be committed to the house of correction at within the said county, [*or* riding, division, city, liberty, town, *or* place], there to be kept to hard labour for the space of

Given under our hands, the day and year above written.

Form of Conviction in a pecuniary Penalty.

BE it remembered, That on [*pursuing the same form, as far as the title of the said recited Act*]; and we the said justices do hereby adjudge and determine the said *A. B.* for the said offence to forfeit and lose the sum of of lawful money of *Great Britain*, to be distributed as the said Act directs.

Given under [*as before*].

[No. XVI.] 44 George III. c. 87.—An Act to amend an Act, passed in the thirty-ninth and fortieth Years of his present Majesty, intituled, *An Act for settling Disputes that may arise between Masters and Workmen engaged in the Cotton Manufacture in that Part of* Great Britain *called* England.—[*20th July* 1804.]

No. XVI. 44 Geo. III. c. 87.

39 & 40 Geo. 3. c. 90. recited.

'WHEREAS by an Act, passed in the thirty-ninth and fortieth years of the reign of his present Majesty, intituled, *An Act for settling Disputes that may arise between Masters and Workmen engaged in the Cotton Manufacture in that part of* Great Britain *called* England, Provisions were enacted for settling all disputes that arise in respect of such manufacture, between the masters and workmen engaged therein, by way of arbitration, by two arbitrators, one to be chosen by each party at his discretion: And whereas the mode intended to be thereby established hath not produced the beneficial effects expected therefrom: And whereas it is therefore expedient that so much of the said recited Act of the thirty-ninth and fortieth years aforesaid, as relates to the settling such disputes by arbitration in manner therein mentioned, should be amended: May it therefore please your Majesty that it may be enacted:' and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That so much of the said recited Act of the thirty-ninth and fortieth years aforesaid, as relates to settling such disputes as aforesaid by arbitration in manner therein directed, and also so far as regards the powers of the arbitrators to administer an oath or oaths to the parties, or their witnesses, shall be and the same is hereby repealed; and that, from and after the passing of this Act, all such disputes shall be settled and determined in manner by this Act directed.

So much there of (*see* § 1—5) as relates to settling disputes by arbitration repealed (*and see* § 19).

II. And be it further enacted, That in all cases where an arbitration may be demanded by the said recited Act, where the party complaining and the party complained of shall come before or agree, by any writing under their hands, to abide by the determination of any justice of the peace or magistrate of any county, city, town, or place, within which the parties reside, it shall and may be lawful for such justice of the peace or magistrate to hear and finally determine in a summary manner the matter in dispute between such parties; but if such parties shall not come before, or so agree to abide by the determination of such justice of the peace or magistrate,

Where parties agree to abide the determination of a justice, the matter in dispute may be finally determined by him.

No. XVI. 44 Geo. III. c. 87.

then it shall be lawful for any such justice or magistrate, and such justice of the peace or magistrate is hereby required, on complaint made before him, and proof by the examination of the party making such complaint, that application has been made to the person or persons against whom such cause of complaint has arisen, or his, her, or their agent or agents, if such dispute has arisen with such agent or agents, to settle such dispute, and that the same has not been settled upon such complaint being made, or where the dispute relates to a bad warp, such cause of complaint shall not be done away within forty-eight hours after such application, to summon before him such person or persons, or agent or agents, on some day not exceeding three days, exclusive of *Sunday*, before the making such complaint, giving notice to the the person making such complaint, of the time and place appointed in such summons for the attendance of such person or persons, agent or agents as aforesaid; and if at such time and place the person or persons so summoned shall not appear by himself, or send some person on his, her, or their behalf to settle such dispute, or appearing shall not do away such cause of complaint, then and in such case it shall be lawful for such justice, and he is hereby required, at the request of either of such parties, to nominate arbitrators or referees, for settling the matters in dispute; and such justice shall then and there at such meeting propose not less than four nor more than six persons, one half of whom shall be master manufacturers or agents, or foreman of some master manufacturer, and the other half of whom shall be weavers in such manufacture (such respective persons residing in or near to the place where such dispute shall have arisen) out of which master manufacturers, agents, or foremen, the master engaged in such dispute, or his agent, shall chuse one, and out of which weavers so proposed, the weaver, or his agent, shall chuse another, who shall have full power to hear and finally determine such dispute; and the said justice shall thereupon appoint a place of meeting according to the directions of this Act, and also a day for the meeting, notice of which nomination, and of the day of meeting, shall thereupon be given to the persons so nominated arbitrators or referees, and to any party to any such dispute, who may not have attended the meeting before such justice as aforesaid; which appointment shall be by such justice certified in the form following, that is to say;

If parties do not so agree, justice shall summon the party complained of, and appoint arbitrators.

Form of appointment of referees.

'I *A. B.* one of the justices of the peace acting for do hereby 'certify, That *C. D.* and *E. F.* are duly nominated referees to settle the 'matters in difference between *G. H.* of master manufacturer [*or*, 'agent of, *as the case may be*] and *I. K.* of weaver, pursuant to an 'Act passed in the forty-fourth year of the reign of his present Majesty, 'and that the said referees are hereby directed to meet at on 'the day of at of the clock.

A. B.'

And the persons so appointed as aforesaid shall hear and examine the parties and their witnesses, and determine such dispute within two days after such nomination, exclusive of *Sundays*; and the determination of such arbitrators shall be final and conclusive.

Persons complaining not attending, shall lose the benefit of the Act, &c.

III. Provided also, and be it enacted, That if any person so complaining as aforesaid, shall not attend, or send some person on his or her behalf, at the time and place appointed by such justice of the peace, for the purpose of naming such persons as aforesaid, such person shall not in such case be entitled to the benefit of this Act; and if any person against whom any such complaint shall have been made as aforesaid, shall not attend, or send some person on his or her behalf, the justice of the peace shall thereupon nominate a person for him out of such persons so proposed as aforesaid.

On arbitrators refusing to act, justice may name others.

IV. Provided always, and be it enacted, That in case any or either of the persons so proposed by any such justice, shall refuse or delay to accept such arbitration, or accepting, shall not act therein, the justice shall proceed to name another or other persons of the descriptions aforesaid, in the room of the person so refusing as aforesaid to be arbitrator or arbitrators, in the place of such arbitrator or arbitrators so refusing or delaying to accept, or who shall not act, out of whom the parties to such dispute shall forthwith

No. XVI. 44 Geo. III. c. 87.

respectively nominate the arbitrators under this Act; and in every case of a second nomination, the arbitrators shall meet within twenty-four hours after the application for the same, and at the same place at which the meeting of the arbitrators first named was appointed.

Arbitrators not agreeing, and refusing to go before the justice, the dispute shall be determined by him.

V. And be it further enacted, That in each and every case where the arbitrators cannot agree, they shall forthwith go before the justice or justices by whom they were appointed; and in case of his or their absence or indisposition, before any other justice of peace, for the same county, riding, division, city, liberty, or place, nearest to the place at which the arbitrators met to settle the dispute; and if either arbitrator shall neglect or refuse to go before such justice of the peace, in the manner herein directed, it shall and may be lawful for such justice, after summoning the arbitrators to attend him, to determine the matter or matters in dispute, upon the statement and representation of either of the arbitrators who shall come before him.

One arbitrator may make the award, if the other does not attend.

VI. And be it further enacted, That in every case where a second arbitrator shall be appointed as aforesaid, and such second arbitrator shall not attend at the time and place appointed for settling the matters in dispute, it shall be lawful for the other arbitrator at such time and place to proceed by himself to the hearing and determining of the said matters in dispute, and in such case the award of such sole arbitrator shall be final and conclusive as to all matters in dispute, submitted to such arbitrators.

Limiting the time of making complaints.

VII. Provided also, and be it enacted, That all complaints by the weaver, as to bad materials, shall be made within three weeks after his receiving the same, and all complaints arising from any other cause shall be made within three days after such cause of complaint shall arise; and that it shall not be allowable to any manufacturer, who shall have received into his possession any cotton cloth made by himself, or his clerk or his foreman, afterwards to make any complaint on account of work so received.

Complaints respecting bad warps or utensils to be settled near the place of work.

VIII. Provided always, and be it further enacted, That in all cases where complaints are made respecting bad warps or utensils by workmen, the place of meeting of the referees shall be at or as near as may be to the place where the work shall be carrying on; and in all other cases at or as near as may be to the place or places where the work has been given out.

Penalty on refusing to fulfil the award, 10*l*.

IX. And be it further enacted, That if either party shall refuse to fulfil the award to be made in pursuance of this Act, for the space of forty-eight hours next after the same shall be made, and have been reduced into writing in the form in the schedule to this Act annexed, or to the like effect, the party so neglecting or refusing shall forfeit and pay to the party in whose favour such award shall have been made as aforesaid, the sum of ten pounds, to be recovered as the penalties inflicted by the said recited Act may be recovered.

Tickets stating quantity of materials, &c. shall be given out with work.

X. And be it further enacted, That with every piece of work given out by the manufacturer to a workman to be done, there shall (if required by the workman to whom the same shall be given) be delivered a note or ticket, signed by the person delivering out the same, or his agents, stating the quantity of the materials delivered out, and the nature of the work to be performed, and the price agreed upon for the executing such work in a workman-like manner; and which said note or ticket, in the event of dispute between the manufacturer and workmen, shall be evidence of all matters and things mentioned therein or respecting the same.

Duplicate of the ticket shall be kept by the master.

XI. And be it enacted, That a duplicate of every such note or ticket shall be made and kept by the master or agent delivering the same; which duplicate shall be evidence of all the matters and things therein contained, in case the workman shall not produce to the arbitrators or the said justice, as the case may be, the said note or ticket so delivered to him with the said work.

Penalty on not giving a ticket 40*s*. to 20*s*., without appeal.

XII. And be it further enacted, That every master or agent refusing or neglecting to give a note or ticket in the manner hereby prescribed, when required so to do, shall forfeit and pay any sum not exceeding forty shillings nor less than twenty shillings, for each failure or neglect, to any person or persons who shall sue for the same, to be recovered and applied in the same manner as other penalties may be recovered and applied by the

No. XVI. 44 Geo. III. c. 87.

said recited Act: Provided always, that no appeal shall be competent against any conviction for any such penalty.

Complaints may be made against agents or partners.

XIII. Provided always, and be it further enacted, That where any work shall have been delivered to any workman by the agent or servant of any master or masters, to be, when finished, delivered to such agent or servant, and also where two or more persons shall carry on the business of such manufacture as partners, in every such case respectively, the like proceedings shall and may be had and made against such agent, servant, or any partner, and shall be as effectual as if the same had been had and made against the principal or all partners; and all the said persons respectively shall obey the award made thereupon, and all such order or orders as shall be made by the said justice or justices, in or respecting the matters in dispute, and shall be subject to the same pains, penalties, and forfeitures, for refusing or delaying to abide by or perform the same, as if the proceedings had been had against the principal or against all the partners.

Where masters become bankrupts, assignees shall be liable.

XIV. Provided also, and be it further enacted, That in all cases where any proceedings may be had against a master or masters under this or by the said recited Act, or where such proceedings shall have been commenced, and the master or masters shall become or be bankrupt, or any assignment of his or their estate or effects shall have been made under the said bankruptcy, or otherwise by deed or in law, the assignee or assignees of such estate or effects shall be liable to the proceedings authorised by this Act against the master or masters, as fully as the master or masters was or were before the bankruptcy or assignment; and such proceedings may be commenced or carried on against such assignee or assignees, who shall fulfil and abide by the award made thereupon, and all such order or orders shall be made by the said justice or justices in or respecting the matters in dispute, and shall be subject to the same pains, penalties and forfeitures, for refusing or delaying to abide by or perform the same, as if the proceedings had been had against the master or masters before his or their bankruptcy, or the assignment of his or their estate or effects; provided that all sums of money to be paid in pursuance of such award or orders shall be recoverable only out of the estate and effects of such master or masters, and not out of the proper money of such assignee or assignees.

Complaints of married women and infants.

XV. And be it further enacted, That where any married woman, or infant under the age of twenty-one years, shall have cause of complaint in any of the cases provided for by this or the said recited Act, against any master or masters, his or their agent or servant, or assignee or assignees as aforesaid, such complaint may be lodged, and all further proceedings thereupon had by and in the name of the husband of such married woman, and of the father, or if dead, of the mother, or, if on the death of both parents, of any of the kindred of any such infant, and of the surety or sureties in any indenture of apprenticeship of any such infant being an apprentice; and all such proceedings shall be as effectual, valid, and binding, as if such married woman was sole, and such infants were of full age, and pursued by themselves the remedies provided by this or the before recited Act.

Costs shall be settled by arbitrators or justices.

XVI. And be it further enacted, That all costs, time, and expences, attending the applications to justices to be made under this Act, and of the arbitration pursuant thereon, shall be settled by the arbitrators or arbitrator by whom such disputes shall be settled; and where the same shall be determined by any justice of the peace, pursuant to the said recited Act, then the costs, time, and expences aforesaid, shall be settled by such justice; and where the arbitrators appointed as aforesaid cannot agree as to the costs, time, and expences to be allowed, the same shall be settled by the justice or justices of the peace by whom the said arbitrators were named; and in case of his absence or indisposition, by any justice of the peace for the same county, riding, division, city, liberty, or place, nearest to the place at which the arbitrators met to settle the dispute.

Fees allowed.

XVII. And be it further enacted, That the following and no higher fees shall be allowed to be taken for any proceeding under this Act, *videlicet*:

	£	s.	d.
To the clerk of the justice or justices,			
For each summons - - - - - -	0	0	6

	£	s.	d.
For every oath or affirmation	0	0	6
For drawing and entering the order	0	0	6
For every warrant	0	1	0
For every conviction	0	1	0
To the constable or other peace officer,			
For service of summons or order	0	0	6
For executing warrant of distress and sale of goods	0	1	6
For custody of goods, distrained, *per diem*	0	0	4
For every mile he shall travel	0	0	4

And a table of fees, signed by the clerk to such justice or justices, shall be hung up in every place where any general or quarter sessions or petty sessions of the peace shall be held.

XVIII. And be it enacted, That no proceedings under this Act shall be set aside or quashed for want of form.

Proceedings not to be quashed for want of form.

XIX. And be it further enacted, That in place of the forms set down in the schedule to the said Act, the forms contained in the schedule hereunto annexed shall be used and observed in the several instances to which they apply; and all the provisions of the said Act which are contrary to the provisions of this Act, or for which other provisions are hereby substituted, shall be and the same are hereby repealed; but the same shall in all other respects remain and continue in full force and effect.

Repeal of Schedule, &c. in recited Act.

" Publick Act, §. 20."

SCHEDULE to which this Act refers.

Form of the Award, to be written at the Foot or upon the Back of the Order of the Justices appointing the Arbitrators.

WE I. K. and L. M. [*name and describe the referee*], the referees appointed to settle the matters in dispute between the parties within named, [*or*, I, I. K. the referee on the part of the within A. B. (L. M. the referee appointed on the part of the within named C. D. having, notwithstanding the notice, failed to attend) on I, N. O. the justice [*as the case may be*], do hereby adjudge and determine, that [*here set forth the determination to which the referees or referee, or justice, as the case may be, shall subscribe their names*].

Form of Indorsement, extending the Time limited for making the Award, to be written on the Foot or on the Back of the Order of the Justice appointing the Arbitrators.

WE A. B. and C. D. parties to the within arbitration do hereby agree to extend the same to the day of inclusive.
Witness our hands this day of

Witness A. B.
C. D.

Form of Acknowledgement of Fulfilment of the Award, to be written on the Foot or on the Back thereof.

I. A. B. do hereby acknowledge that the above award hath been fulfilled by C. D. who is hereby discharged of the same.
Witness my hand, this day of

Witness A. B

Form of Conviction for refusing or delaying to fulfil the Award.

BE it remembered, That on the day in the year of his Majesty's reign, and in the year of our Lord A. B. is

No. XVI. 44 Geo. III. c. 87.

convicted before me, [*or, name the justices of the peace for the county, riding, division, city, or place, of*] that the said A. B. has refused or delayed to fulfil the award within the time limited, contrary to the statute made in the forty-fourth year of his present Majesty, intituled, *An Act* [*here set forth the title of the Act*] and I (*or* we) the said justice (*or* justices) do hereby adjudge and determine the said A. B. for the said offence, to forfeit and lose the sum of of lawful money of *Great Britain*, and do order the same to be forthwith paid by him (her, *or* them, *as the case may be*).

[No. XVII.]—53 George III. c. 40.—An Act to repeal so much of several Acts, passed in *England* and *Scotland* respectively, as empowers Justices of the Peace to rate Wages, or set Prices of Work, for Artificers, Labourers, or Craftsmen—[15*th April* 1813.]

No. XVII. 53 Geo. III. c. 40.

5 Eliz. c. 4.
1 Jac. 1. c. 6.
Scotch Acts, 22d Parliament, Jac. 1.
1st Parliament, Car. 2.

WHEREAS an Act passed in the fifth year of the reign of her late Majesty Queen *Elizabeth*, intituled, *An Act containing divers Orders for Artificers, Labourers, Servants of Husbandry, or Apprentices:* And whereas another Act passed in the first year of the reign of his late Majesty King *James* the First, intituled, *An Act made for the Explanation of the Statute made in the fifth Year of the late Queen* Elizabeth's *Reign, concerning Labourers:* And whereas an Act passed in *Scotland*, in the twenty-second Parliament of his Majesty King *James* the First in *England* and the sixth of *Scotland*, intituled, *Anent the Justices for keeping his Majesty's Peace, and their Constables:* And whereas another Act passed in *Scotland*, in the first Parliament of his Majesty King *Charles* the Second, intituled, *Commission and Instruction to the Justices of the Peace and Constables:* And whereas it is expedient, that the powers given by the said Acts, and by various other Acts passed in the Parliaments of *Scotland*, to justices of the peace and magistrates of cities and boroughs, to rate wages or fix prices for work, for artificers, labourers, and craftsmen, should be repealed: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That so much of the said recited Acts, and of each of them, or of any other Act of Parliament in force in *Scotland*, as authorizes and empowers any justices of the peace or magistrates of cities and burghs to rate wages or fix prices of work for artificers, labourers, and craftsmen, shall be and the same is hereby repealed; and all orders heretofore made by any justice or justices of the peace or magistrates, in *England* or *Scotland* respectively, under the authority of the said recited Acts, or any or either of them, for or in relation to the rating any wages, or settling or fixing any prices of work to be done or performed by any artificers, labourers, or craftsmen, or servants, shall be and the same are hereby declared to be void and of none effect; any thing in the said Acts, or any or either of them, to the contrary notwithstanding.

Recited Acts empowering magistrates to fix wages repealed;

And all orders made by magistrates under such Acts repealed.

[No. XVIII.] 57 George III. c. 115.—An Act to extend the Provisions of an Act of the twelfth Year of his late Majesty King *George* the First, and an Act of the twenty-second Year of his late Majesty King *George* the Second, against Payment of Labourers in Goods or by Truck, and to secure their Payment in the lawful Money of this Realm, to Labourers employed in the Manufacture of Articles made of Steel, or of Steel and Iron combined, and of Plated Articles, or of other Articles of Cutlery.—[11*th July* 1817.]

No. XVIII.
57 Geo. III. c. 115.
12 G. 1. c. 34.
22 G. 2. c. 27.

WHEREAS the pernicious practice of paying the wages of labourers concerned in the woollen trade in goods was by the provisions of an Act of the twelfth year of the reign of his late Majesty King *George* the First, intituled, *An Act to prevent unlawful Combinations of Workmen employed in the Woollen Manufactures, and for better Payment of their Wages*, prohibited by certain regulations and under certain penalties therein enacted: And whereas, though the provisions of this Act were extended by the Act of the twenty-second year of the reign of his late Majesty King *George* the Second, intituled, *An Act for the more effectual preventing of Frauds and Abuses committed by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk Manufactures; and for preventing unlawful Combinations of Journeymen Dyers and Journeymen Hot Pressers, and of all Persons employed in the said several Manufactures, and for the better Payment of their Wages;* yet the security thereby given, for the receipt of their wages in money, is in neither of these Acts extended to labouring men employed in the manufacture of articles made of steel, or of steel and iron combined, and of plated articles, or of other articles of cutlery: And whereas great injury and loss have arisen to labouring men employed in the manufacture of articles made of steel, or of steel and iron combined, and of plated articles or of other articles of cutlery, from being paid their wages in goods, or by way of truck, or otherwise than in the lawful coin of this realm: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That the provisions of the aforesaid Act of the twelfth year of the reign of his late Majesty King *George* the First, which prohibits the payment of the wages of persons employed in the woollen manufacture in goods, and to secure the payment of every part of their wages in good and lawful money of this kingdom, be extended to labourers employed in the manufacture of articles made of steel, or of steel and iron combined, and of plated articles, or of other articles of cutlery.

Provisions of 12 G. 1. c. 34. extended to labourers employed in the manufacture of articles made of steel, &c.

II. And be it further enacted, That all the provisions of the said Act, to facilitate the labourers in the woollen trade recovering the wages for which they have stipulated, or to which they are entitled, as well as the provisions imposing a penalty on masters paying labourers in goods, be extended to persons employed in the manufacture of articles made of steel, or of steel and iron combined, and of plated articles, or of other articles of cutlery, in as full and ample a manner as if they had been enumerated in the aforesaid Act; and that all remedies, penalties, modes of recovery, powers, and privileges, and all other matters and things therein for these purposes contained, be and they are hereby extended to parties concerned in such manufactures or connected therewith.

Provisions in 22 G. 2. c. 27. applicable to this Act.

[No. XIX.] 57 George III. c. 122.—An Act to extend the Provisions of an Act of the twelfth Year of his late Majesty King *George* the First, and an Act of the twenty-second Year of his late Majesty King *George* the Second, against Payment of Labourers in Goods or by Truck, and to secure their Payment in the lawful Money of this Realm, to Labourers employed in the Collieries, or in the working and getting of Coal, in the United Kingdom of *Great Britain* and *Ireland*; and for extending the Provisions of the said Acts to *Scotland* and *Ireland*.—[11*th July* 1817.]

No. XIX.
57 Geo. III. c. 122.
12 G. 1. c. 34.

WHEREAS the pernicious practice of paying the wages of labourers concerned in the woollen trade in goods was by the provisions of an Act of the twelfth year of the reign of his late Majesty King *George* the First, intituled, *An Act to prevent unlawful Combinations of Workmen em-*

No. XIX.
57 Geo. III. c. 122.
22 G. 2. c. 27.

ployed in the Woollen Manufactures, and for better Payment of their Wages, prohibited by certain regulations and under certain penalties therein enacted: And whereas, though the provisions of this Act were extended by the Act of the twenty-second year of the reign of his late Majesty King *George* the Second, intituled, *An Act for the more effectual preventing of Frauds and Abuses committed by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk Manufactures; and for preventing unlawful Combinations of Journeymen Dyers and Journeymen Hot Pressers, and of all Persons employed in the said several Manufactures, and for the better Payment of their Wages;* yet the security thereby given, for the receipt of their wages in money, is in neither of these Acts extended to labouring men working in collieries, and other businesses connected with the trade of working and getting coal: And whereas great injury and loss have arisen to labouring men working in collieries and other businesses connected with the getting of coal, from being paid their wages in goods or by way of truck, or otherwise than in the lawful coin of this realm: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, That the provisions of the aforesaid Act of the twelfth year of the reign of his late Majesty King *George* the First, which prohibits the payment of the wages of persons employed in the woollen manufacture in goods, and to secure the payment of every part of their wages in good and lawful money of this kingdom, be extended to labourers employed in working and getting coal in the united kingdom of *Great Britain* and *Ireland*.

Provisions of 12 G. 1. c. 34. extended to labourers in collieries.

Provisions in 22 G. 2. c. 27. applicable to this Act.

II. And be it further enacted, That all the provisions of the said Act, to facilitate the labourers in the woollen trade recovering the wages for which they have stipulated, or to which they are entitled, as well as the provisions imposing a penalty on masters paying labourers in goods, be extended to persons employed in collieries, and in working and getting coal, in the united kingdom of *Great Britain* and *Ireland*, in as full and ample a manner as if they had been enumerated in the aforesaid Act; and that all remedies, penalties, modes of recovery, powers, and privileges, and all other matters and things therein for these purposes contained, be and they are hereby extended to parties concerned in coal works, or connected therewith.

The provisions of recited Acts extended to Scotland and Ireland.

III. And be it also further enacted, That the provisions of the Acts of the twelfth year of the reign of his late Majesty King *George* the First, and of the twenty-second year of the reign of his late Majesty King *George* the Second, be extended, and are hereby extended to *Scotland* and *Ireland*.

[No. XX.] 59 George III. c. 66.—An Act to make further Provisions for the Regulation of Cotton Mills and Factories, and for the better Preservation of the Health of young Persons employed therein.—[*2d July* 1819.]

No. XX.
59 Geo. III. c. 66.
42 G. 3. c. 73.

WHEREAS an Act was made in the forty-second year of the reign of his present Majesty, intituled, *An Act for the preservation of the Health and Morals of Apprentices and others employed in Cotton and other Mills, and Cotton and other Factories:* And whereas it is expedient that some further provision should be made for the regulation of mills, manufactories, and buildings, employed in the preparation and spinning of cotton wool: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the first day of *January* one thousand eight hundred and twenty, no child shall be employed in any description of work, for the spinning of cotton wool into yarn, or in any previous preparation of such wool, until he or she shall have attained the full age of nine years.

No child to be employed in cotton mills under nine years of age.

No. XX. 59 Geo. III. c. 66.

II. And be it further enacted, That no person, being under the age of sixteen years, shall be employed in any description of work whatsoever, in spinning cotton wool into yarn, or in the previous preparation of such wool, or in the cleaning or repairing of any mill, manufactory, or building, or any millwork or machinery therein, for more than twelve hours in any one day exclusive of the necessary time for meals; such twelve hours to be between the hours of five o'clock in the morning and nine o'clock in the evening.

No person under sixteen years of age, to be employed in any cotton mill, &c. for more than 12 hours.

III. And be it further enacted, That there shall be allowed to every such person in the course of every day, not less than half an hour to breakfast, and not less than one full hour for dinner; such hour for dinner to be between the hours of eleven o'clock in forenoon and two o'clock in the afternoon.

Hours of meal time appointed.

IV. Provided nevertheless, and be it further enacted, That if at any time, in any such mill, manufactory, or buildings as are situated upon streams of water, time shall be lost in consequence of the want of a due supply, or of an excess of water, then and in every such case, and so often as the same shall happen, it shall be lawful for the proprietors of any such mill, manufactory, or building, to extend the before mentioned time of daily labour, after the rate of one additional hour *per* day, until such lost time shall have been made good, but no longer.

Time to be made up by accidental intermission after the rate of an additional hour per day.

V. And be it further enacted, That the ceilings and interior walls of every such mill, manufactory, or building shall be washed with quick lime and water twice in every year.

Ceilings and walls to be cleansed twice a year.

VI. And be it further enacted, That in a conspicuous part of every such mill, manufactory, or building, a copy of this Act, or a full and true abstract of the regulations provided hereby, shall be hung up and affixed, and signed by the proprietors, manager, or overseer of such mill, manufactory, or building; and that such copy or abstract shall be kept and renewed, so that the same shall be at all times legible.

Publication of this Act in every cotton mill, &c.

VII. And be it further enacted, That every master or mistress, of any such cotton mill, manufactory, or building, who shall wilfully act contrary to or offend against any of the provisions of this Act, or any of the provisions of the above recited Act, shall for every such offence forfeit and pay any sum not exceeding twenty pounds, nor less than ten pounds, at the discretion of the justices before whom such offender shall be convicted; one half whereof shall be paid to the informer, and the other half to the overseers of the poor in *England*, to the churchwardens in *Ireland*, and to the ministers and elders in *Scotland*, of the parish or place where such offence shall be committed; to be by them applied in aid of the poor rate in *England*, and for the benefit of the poor in *Ireland* and *Scotland*, of such parish or place: Provided always, that all informations, for offences against the said recited Act or this Act, shall be laid within three calendar months subsequently to the offence being committed, and not after the expiration of such three calendar months: Provided also, that all penalties inflicted by this Act shall be levied, recovered, and applied in manner directed by the said recited Act.

Penalty on acting contrary to the provisions of this Act.

Application of penalties.

Limitation of actions.

VIII. And be it enacted, That this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all judges, justices, and others, without specially pleading the same.

Public Act.

[No. XXI.] 60 George III. and 1 George IV. c. 5.—An Act to amend an Act of the last Session of Parliament, to make further Provision for the Regulation of Cotton Mills and Factories, and for the Preservation of the Health of young Persons employed therein.—[23*d December* 1819.]

No. XXI. 60 Geo. III. & 1 Geo. IV. c. 5.

WHEREAS an Act was made in the fifty-ninth year of the reign of his present Majesty, intituled, *An Act to make further Provision for the Regulation of Cotton Mills and Factories, and for the better Preservation of the Health of young Persons employed therein:* And whereas it is expedient to pro-

59 G. 3. c. 66.

No. XXI. 60 Geo. III. & 1 Geo. IV. c. 5.

vide for accidents by fire or otherwise, which may arise in the working of such mills or factories; by which many persons may be suddenly deprived of employment, and to alter the said Act: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That on the event of one or more mills being suddenly destroyed by fire or other accident, the proprietors thereof, possessing other mills which are kept at work during the day, shall, for eighteen months from the day on which any such fire or other accident shall happen, be allowed to employ the persons who were previously at work on the mill or mills so destroyed, and employ them in the night time in any other mill or mills, for any period not exceeding ten hours in any one night.

In case of mills being destroyed, persons belonging to them may be employed by night in other mills.

Hour for dinner to be between eleven and four.

II. And whereas it is by the said Act enacted, that there shall be allowed to every person, in the course of every day, not less than half an hour to breakfast, and not less than one full hour for every dinner; such hour for dinner to be between eleven of the clock in the forenoon and two of the clock in the afternoon: And whereas it is expedient that the period thereby specified for the hour of dinner should be altered; Be it therefore enacted, That such hour for dinner shall be between the hours of eleven of the clock in the forenoon and four of the clock in the afternoon; any thing in the said Act to the contrary notwithstanding.

Public Act.

III. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all judges, justices, and others, without being specially pleaded.

[No. XXII.] 1 Geo. IV. c. 93.—An Act to amend and render more effectual the Provisions of divers Acts, for securing to certain Artificers, Workmen, and Labourers, in such Acts mentioned, the due Payment of their Wages.—[24th *July* 1820.]

No. XXII. 1 Geo. IV. c. 93.

WHEREAS in and by certain provisions contained in an Act passed in the fourth year of the reign of his Majesty King *Edward* the Fourth, and by certain other provisions of an Act, passed in the first year of the reign of her Majesty Queen *Anne*, intituled, *An Act for the more effectual preventing the Abuses and Frauds of Persons employed in the working up the Woollen, Linen, Fustian, Cotton, and Iron Manufactures of this Kingdom;* and by certain other provisions of an Act passed in the twelfth year of the reign of his said Majesty King *George* the First, intituled, *An Act to prevent unlawful Combination of Workmen employed in the Woollen Manufacture, and for the better Payment of their Wages;* and by certain other provisions of an Act passed in the thirteenth year of the reign of his said late Majesty King *George* the First, intituled, *An Act for the better Regulation of the Woollen Manufacture, and for preventing Disputes among the Persons concerned therein, and for limiting a Time for prosecuting for the Forfeiture appointed by an Act of the twelfth Year of his Majesty's Reign, in case of Payment of the Workmen's Wages in any other Manner than in Money;* and by certain other provisions of an Act passed in the thirteenth year of the reign of his late Majesty King *George* the Second, intituled, *An Act to explain and amend an Act made in the first Year of the Reign of her late Majesty Queen* Anne, *intituled, An Act for the more effectual preventing the Abuses and Frauds of Persons employed in the working up the Woollen, Linen, Fustian, Cotton, and Iron Manufactures of this Kingdom, and for extending the said Act to the Manufactures of Leather:* and by certain other provisions of an Act passed in the twenty-second year of the reign of his said late Majesty King *George* the Second, intituled, *An Act for the more effectual preventing of Frauds and Abuses committed by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk Manufactures; and for the preventing the unlawful Combination of Journeymen Dyers and Journeymen Hot Press-*

4 Ed. 4. c. 1.
1 Ann. st. 2. c. 18.
12 G. 1. c. 34.
13 G. 1. c. 23.
13 G. 2. c. 8.
22 G. 2. c. 27.

No. XXII. 1 Geo. IV. c. 93.

ers, and of all Persons employed in the said several Manufactures; and for the better Payment of their Wages; and by certain provisions of an Act passed in the twenty-ninth year of the reign of his said Majesty King *George* the Second, intituled, *An Act to render more effectual an Act passed in the twelfth Year of the Reign of his late Majesty King* George, *intituled An Act to prevent unlawful Combinations of Workmen employed in the Woollen Manufactures, and for better Payment of their Wages; and also an Act passed in the thirteenth Year of the Reign of his said late Majesty, for the better Regulation of the Woollen Manufacture, and for preventing Disputes among the Persons concerned therein, and for limiting a Time for prosecuting for the Forfeiture appointed by the aforesaid Act, in case of the Payment of the Workmen's Wages in any other Manner than in Money;* and by certain other provisions of an Act passed in the seventeenth year of his late Majesty King *George* the Third, intituled *An Act for amending and rendering more effectual the several Laws now in being, for the more effectual preventing of Frauds and Abuses by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk Manufactures; and also for making Provisions to prevent Frauds by Journeymen Dyers;* as well as by the provisions of two other Acts of the fifty-seventh year of the reign of his late Majesty King *George* the Third, the one intituled, *An Act to extend the Provisions of an Act of the twelfth Year of his late Majesty King* George *the First, and an Act of the twenty-second Year of his late Majesty King* George *the Second, against the Payment of Labourers in Goods or by Truck, and to secure their Payment in the lawful Money of this Realm, to Labourers employed in the Manufacture of Articles made of Steel, or of Steel or Iron combined, and of Plated Articles, and of other Articles of Cutlery;* and the other intituled, *An Act to extend the Provisions of an Act of the twelfth Year of his late Majesty King* George *the First, and an Act of the twenty-second Year of His late Majesty King* George *the Second, against Payment of Labourers in Goods or by Truck, and to secure their Payment in the lawful Money of this Realm, to Labourers employed in the Collieries, or in the working and getting of Coal in the United Kingdom of* Great Britain *and* Ireland, *and for extending the Provisions of the said Acts to* Scotland *and* Ireland; the payment of the wages of workmen, in certain trades and occupations in the aforesaid Acts enumerated, in any other way than in the lawful coin or money of this realm, is prohibited, and made penal: And whereas by an Act passed in the fifty-eighth year of the reign of his late Majesty King *George* the Third, intituled *An Act to amend certain Acts passed in the fourth Year of King* Edward *the Fourth; first and tenth Years of Queen* Anne; *first, twelfth, and thirteenth Years of King* George *the First; thirteenth, twenty-second, and twenty-ninth Years of King* George *the Second; and thirteenth and fifty-seventh Years of King* George *the Third, prohibiting the Payment of the Wages of Workmen in certain Trades otherwise than in the lawful Coin or Money of this Realm;* it was made lawful for all persons concerned in the trades or occupations, or concerned in the employment of artificers, workmen, or labourers of the descriptions mentioned in the aforesaid Acts, or any of them, to pay the wages of their workmen, labourers, or artificers, in a note or notes of the governor and company of the Bank of *England*, or in a note or notes of any duly licensed banker or bankers, issued under the authority of the statutes for the time being in that behalf made and provided, and according to the provisions of the statutes for the time being for granting and regulating the stamp duties, in all cases where their labourers, workmen, or artificers should be willing to accept and receive the same in payment of their wages, but not otherwise: And whereas the protection intended to be afforded to artificers, workmen, and labourers of the description in the said Acts mentioned, by requiring the payment of their wages in money or bank notes, is not effectually given by the provisions in the said Acts contained: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That if any person or persons concerned in the employment of

29 G. 2. c. 33.

17 G. 3. c. 56.

57 G. 3. c. 115.

57 G. 3. c. 122.

58 G. 3. c. 51.

Persons con-

artificers, workmen, or labourers of the descriptions mentioned in the aforesaid Acts, or any of them, shall after the passing of this Act at any time make or impose, or cause to be made or imposed, any restriction, stipulation, or agreement, either directly or indirectly, as to the place or manner of expending or laying out the whole or any part of any wages, money, or bank notes, agreed to be paid to any artificer, workmen, or labourer of the descriptions mentioned in the aforesaid Acts, or any of them, or as to the person or persons with whom the same or any part of such wages, money, or bank notes shall be expended or laid out, or shall in any way do any thing contrary to or in violation of any of the provisions of the aforesaid Acts, or any of them, so far as respects the payment or receipt of wages, every person so offending, and being thereof lawfully convicted, shall forfeit and pay, in lieu of any penalty or penalties imposed by the said recited Acts or any of them, any sum not less than ten pounds nor more than twenty pounds, in the discretion of the justice or justices before whom any such offender shall be convicted, together with the full costs and charges attending such conviction, and which costs and charges such justice or justices is and are hereby empowered to ascertain and settle; any thing contained in any Act or Acts of Parliament to the contrary thereof in anywise notwithstanding.

Persons concerned in the employment of workmen shall not make any stipulation for expending their wages in violation of the recited Acts, on penalty of forfeiting (in lieu of any penalty imposed by recited Acts) not less than 10*l.* nor more than 20*l.*

II. And be it also further enacted, That all the powers, provisions, and regulations in the said Acts before mentioned, or any of them contained, for the levying, enforcing, or recovering any penalty or forfeiture thereby imposed, shall and may be exercised and applied for the levying, enforcing, or recovering any forfeiture or penalty by this Act imposed, in as ample and full a manner as if the same had been hereby enacted; and all and every penalties and penalty, when recovered, shall be applied and disposed of in such manner as forfeitures and penalties under the said recited Acts or any of them are, by the said Act passed in the fifty-eighth year of the reign of his late Majesty King *George* the Third, directed to be paid and applied.

Powers in former Acts for recovery of penalties, to be exercised for enforcing penalties of this Act.

III. And be it also further enacted, That from and after the passing of this Act it shall be lawful for any court of quarter sessions to which any appeal may be made in pursuance of any provisions contained in the aforesaid Acts, or any of them, or of this Act, respecting the payment or receipt of wages, to award treble costs to be paid by the appellant or appellants, in any case where the cause of such appeal shall be by such court of quarter sessions determined against any such appellant or appellants, and to enforce the payment of such treble costs in like manner as such court may be authorized to enforce the payment of common costs awarded by such court in ordinary cases.

Quarter sessions on appeal may in certain cases award treble costs.

IV. And whereas it is by an Act made in the twentieth year of the reign of his late Majesty King *George* the Second, intituled, *An Act for the better adjusting and more easy Recovery of the Wages of certain Servants, and for the better Regulation of such Servants, and of certain Apprentices*, it is enacted, That all complaints, differences, and disputes which shall arise between masters and mistresses, and artificers and labourers, hired for a year or longer, respecting wages, shall be determined by one or more justice or justices of the peace; and in case of non-payment of the sum ordered by the space of twenty-one days, then the same may be levied by distress and sale: And whereas by another Act made in the thirty-first year of his said late Majesty, the provisions of the said Act are extended to all servants in husbandry, although hired for a less period than a year: And whereas it is expedient that the justice or justices before whom complaint shall be made, shall be empowered to order payment of the wages due within a shorter period; Be it therefore enacted, That every justice or justices of the peace, before whom any complaint shall be made in pursuance of the said Acts, or either of them, shall and may order the amount of the wages that shall appear due to any such artificers or labourers to be paid to the person entitled thereto within such period as the said justice or justices shall think proper; and in case of refusal or non-payment thereof, to levy the same by distress and sale, in manner directed by the said first-recited Act.

20 G. 2. c. 19.

Justices may order payment of wages within such period as they think proper.

Distress in case of refusal.

V. And be it further enacted, That this Act shall be put in force and be executed for the term of one year, and from thence to the end of the then next session of Parliament, and no longer, from the passing thereof.

No. XXII. 1 Geo. IV. c. 93.

Continuance of Act.

[No. XXIII.] 4 George IV. c. 34.—An Act to enlarge the Powers of Justices in determining Complaints between Masters and Servants, and between Masters, Apprentices, Artificers, and others.—[17th *June* 1823.]

No. XXIII. 4 Geo. IV. c. 34.

20 G. 2. c. 19. 6 G. 3. c. 25. 4 G. 4. c. 29.

WHEREAS an Act was passed in the twentieth year of the reign of his Majesty King *George* the Second, intituled *An Act for the better adjusting and more easy Recovery of the Wages of certain Servants, and for the better Regulation of such Servants, and of certain Apprentices;* and another Act was passed in the sixth year of the reign of his late Majesty King *George* the Third, intituled *An Act for better regulating Apprentices, and Persons working under Contract;* and also another Act was passed in this present session of Parliament, intituled *An Act to increase the Power of Magistrates in cases of Apprenticeships;* and it is expedient to extend the powers of the said Acts; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That it shall and may be lawful, not only for any master or mistress, but also for his or her steward manager or agent to make complaint upon oath against any apprentice, within the meaning of the said before recited Acts, to any justice of the peace of the county or place where such apprentice shall be employed, of or for any misdemeanor misconduct or ill behaviour of any such apprentice; or if such apprentice shall have absconded, it shall be lawful for any justice of the peace of the county or place where such apprentice shall be found, or where such apprentice shall have been employed, and any such justice is hereby empowered, upon complaint thereof made upon oath by such master, mistress, steward, manager, or agent, which oath the said justice is hereby empowered to administer, to issue his warrant for apprehending every such apprentice; and further, that it shall be lawful for any such justice to hear and determine the same complaint, and to punish the offender by abating the whole or any part of his or her wages, or otherwise by commitment to the house of correction, there to remain and be held to hard labour, for a reasonable time not exceeding three months.

Masters or their Steward or Agent may make Complaint against Apprentices.

Justices may abate Wages, or commit to House of Correction.

II. And be it further enacted, That all complaints differences and disputes which shall arise between masters or mistresses and their apprentices, within the meaning of the said before recited Acts, or any of them, touching or concerning any wages which may be due to such apprentices, shall and may be heard and determined by one or more justice or justices of the peace of the county or place where such apprentice or apprentices shall be employed, which said justice or justices is and are hereby empowered to examine on oath any such master or mistress, apprentice or apprentices, or any witness or witnesses, touching any such complaint difference or dispute, and to summon such master or mistress to appear before such justice or justices at a reasonable time to be named in such summons, and to make such order for payment of so much wages to such apprentice or apprentices, as according to the terms of his her or their indentures of apprenticeship shall appear to such justice or justices, under all the circumstances of the case, to be justly due, (provided that the sum in question do not exceed the sum of ten pounds,) the amount of such wages to be paid within such period as the said justice or justices shall think proper, and shall order the same to be paid; and in case of a refusal or non-payment thereof, such justice and justices shall and may issue forth his and their warrant, to levy the same by distress and sale of the goods and chattels of such master or mistress, rendering the overplus to the owners, after payment of the charges of such distress and sale.

Justices may order Payment of Wages to Apprentices, provided the Sum in question does not exceed 10*l*.

No. XXIII. 4 Geo. IV. c. 34.

Justices may issue Warrants to apprehend Servants in Husbandry, Artificers, &c.

III. And be it further enacted, That if any servant in husbandry or any artificer, calico printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer, or other person, shall contract with any person or persons whomsoever, to serve him her or them for any time or times whatsoever, or in any other manner, and shall not enter into or commence his or her service according to his or her contract (such contract being in writing, and signed by the contracting parties), or having entered into such service shall absent himself or herself from his or her service before the term of his or her contract, whether such contract shall be in writing or not in writing, shall be completed, or neglect to fulfil the same, or be guilty of any other misconduct or misdemeanor in the execution thereof, or otherwise respecting the same, then and in every such case it shall and may be lawful for any justice of the peace of the county or place where such servant in husbandry, artificer, calico printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer, or other person, shall have so contracted, or be employed or be found, and such justice is hereby authorized and empowered, upon complaint thereof made upon oath to him by the person or persons, or any of them, with whom such servant in husbandry, artificer, calico printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer, or other person shall have so contracted, or by his her or their steward manager or agent, which oath such justice is hereby empowered to administer, to issue his warrant for the apprehending every such servant in husbandry, artificer, calico printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer, or other person, and to examine into the nature of the complaint; and if it shall appear to such justice that any such servant in husbandry, artificer, calico printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer, or other person, shall not have fulfilled such contract, or hath been guilty of any other misconduct or misdemeanor as aforesaid, it shall and may be lawful for such justice to commit every such person to the house of correction, there to remain and be held to hard labour for a reasonable time, not exceeding three months, and to abate a proportionable part of his or her wages, for and during such period as he or she shall be so confined in the house of correction, or in lieu thereof, to punish the offender by abating the whole or any part of his or her wages, or to discharge such servant in husbandry, artificer, calico printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer, or other person from his or her contract service or employment, which discharge shall be given under the hand and seal of such justice *gratis*.

and may commit Offenders to the House of Correction, &c.

How Servants in Husbandry, Artificers, &c., shall recover their Wages, in Cases of Absence of Masters, &c.

IV. And whereas it frequently happens that such masters mistresses or employers reside at considerable distances from the parishes or places where their business is carried on, or are occasionally absent for long periods of time, either beyond the seas, or at considerable distances from such parishes or places, and during such residence or occasional absences entrust their business to the management and superintendence of stewards, agents, bailiffs, foremen, or managers, whereby such servants, artificers, handicraftsmen, miners, colliers, keelmen, pitmen, glassmen, potters, labourers, or other persons and apprentices, are or may be subjected to great difficulties and hardships, and put to great expence in recovering their wages; be it therefore enacted, That in either of the said cases, it shall and may be lawful to and for any justice or justices of the county or place where such servant in husbandry, artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer, or other person or apprentice shall be employed, upon the complaint of any such servant, artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer, or other person or apprentice touching or concerning the non-payment of his or her wages, to summon such steward, agent, bailiff, foreman, or manager, to be and appear before him or them at a reasonable time to be named in such summons, and to hear and determine the matter of the complaint in such and the like manner as commplaints of the like nature against any master mistress or employer are directed to be

No. XXIII. 4 Geo. IV. c. 34.

heard and determined in and by this and the before recited Acts, and also to make an order for the payment by such steward, agent, bailiff, foreman, or manager, to such servant, artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer, or other person or apprentice, of so much wages as to such justice or justices shall appear to be justly due; provided that the sum in question do not exceed the sum of ten pounds; and in case of refusal or non-payment of any sum so ordered to be paid by such steward, agent, foreman, bailiff, or manager, for the space of twenty-one days from the date of such order, such justice or justices as aforesaid shall and may issue forth his or their warrant to levy the same by distress and sale of the goods and chattels of such master mistress or employer, rendering the overplus to the owner or owners or to such steward, agent, bailiff, foreman, or manager, for the use of such master mistress or employer, after payment of the charges of such distress and sale.

Justices may order Payment of Wages within such Time as they may think fit, 20 G. 2. c. 19. 31 G. 2. c. 11.

V. And be it further enacted, That every justice or justices of the peace before whom any complaint shall be made, in pursuance of the said before recited Act made in the twentieth year of the reign of his late Majesty King *George* the Second, or of another Act made in the thirty-first year of the reign of his said late Majesty, intituled *An Act to amend an Act made in the third Year of the Reign of King* William *and Queen* Mary, *intituled* '*An Act for the better Explanation and supplying the Defects of* '*the former Laws for the Settlement of the Poor.*' *so far as the same relates to Apprentices gaining a Settlement by Indenture; and also to empower Justices of the Peace to determine Differences between Masters and Mistresses and their Servants in Husbandry, touching their Wages, though such Servants are hired for less Time than a Year*, shall and may order the amount of the wages that shall appear due to any servants in husbandry, artificers, labourers, or other person named in the said Acts, or either of them, to be paid to the person entitled thereto, within such period as the said justice or justices shall think proper; and in case of refusal or non-payment thereof, shall and may levy the same by distress and sale, in manner directed by the said first mentioned Act; and every order or determination of such justice or justices made under this Act shall be final and conclusive, any thing in either of the said Acts contained to the contrary in anywise notwithstanding.

Act not to affect the Jurisdiction of the Chamberlain of London.

VI. Provided always, and be it enacted, That nothing in this Act contained shall extend to impeach or lessen the jurisdiction of the chamberlain of the city of *London*, or of any other court within the said city, touching apprentices.

[No. XXIV.] 5, George IV. c. 96.—An Act to consolidate and amend the Laws relative to the Arbitration of Disputes between Masters and Workmen.—[21st *June* 1824.]

No. XXIV. 5 Geo. IV. c. 96.

WHEREAS it is expedient that the laws relative to the arbitration of disputes between masters and workmen should be consolidated and amended, and one general law made applicable to every description of trade and manufacture; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act, so much of a certain Act passed in the Parliament of *Ireland*, in the third year of King *George* the Second, intituled *An Act to prevent unlawful Combinations of Workmen Artificers and Labourers employed in the several Trades and Manufactures of this Kingdom, and for the better Payment of their Wages; as also to prevent Abuses in making of Bricks, and to ascertain their Dimensions*, as relates to the decision of disputes as therein mentioned; also a certain other Act passed in the thirty-ninth and fortieth years of King *George* the Third, intituled *An Act for settling Disputes that may arise between Masters and Workmen engaged in the Cotton Manufacture in that Part of* Great Britain *called* England; also a certain other Act

3 G. 2. (I.) in part.

39 & 40 G. 3. c. 90.

39 & 40 G. 3. c. 106.

No. XXIV. 5 Geo. IV. c. 96.

41 G. 3. c. 38.

43 G. 3. c. 151.

44 G. 3. c. 87.

53 G. 3. c. 75. repealed.

passed in the thirty-ninth and fortieth years of King *George* the Third, intituled *An Act to repeal an Act passed in the last Session of Parliament, intituled 'An Act to prevent unlawful Combinations of Workmen,' and to substitute other Provisions in lieu thereof;* also a certain other Act passed in the forty-first year of King *George* the Third, intituled *An Act to amend so much of an Act passed in the Thirty-ninth and Fortieth Years of the Reign of His present Majesty, intituled 'An Act to repeal an Act passed in the last 'Session of Parliament, intituled 'An Act to prevent unlawful Combinations 'of Workmen,' and to substitute other Provisions in lieu thereof,' as relates to the Forms of Convictions therein referred to;* also a certain other Act passed in the forty-third year of King *George* the Third, intituled *An Act for preventing and settling Disputes which may arise between Masters and Weavers engaged in the Cotton Manufacture in* Scotland, *and Persons employed by such Weavers, and Persons engaged in ornamenting Cotton Goods by the Needle;* also a certain other Act passed in the forty-fourth year of King *George* the Third, intituled *An Act to amend an Act passed in the Thirty-ninth and Fortieth Years of His present Majesty, intituled 'An Act 'for settling Disputes that may arise between Masters and Workmen engaged 'in the Cotton Manufacture in that Part of* Great Britain *called* England;' and also a certain other Act, passed in the fifty-third year of King *George* the Third, intituled *An Act for the better Regulation of the Cotton Trade in* Ireland, shall be and the same are hereby repealed; save and except in as far as the same may have repealed any prior Acts or enactments.

Enumeration of the Causes of Dispute that may be referred.

II. And be it further enacted, That the following subjects of dispute arising between masters and workmen, or between workmen and those employed by them, in any trade or manufacture in any part of the United Kingdom of *Great Britain* and *Ireland*, may be settled and adjusted in manner hereafter mentioned; (that is to say,) disagreements respecting the price to be paid for work done, or in the course of being done, whether such disputes shall happen or arise between them respecting the payment of wages as agreed upon, or the hours of work as agreed upon, or any injury or damage done or alleged to have been done to the work, or respecting any delay or supposed delay in finishing the work, or the not finishing the work in a good and workmanlike manner, or according to any contract, or to bad materials; cases where the workmen are to be employed to work any new pattern which shall require them to purchase any new implements of manufacture, or to make any alteration upon the old implements for the working thereof, and the masters and workmen cannot agree upon the compensation to be made to such workmen for or in respect thereof; disputes respecting the length, breadth, or quality of pieces of goods, or, in the case of cotton manufacture, the yarn thereof, or the quantity and quality of the wool thereof; disputes respecting the wages or compensation to be paid for pieces of goods that are made of any great or extraordinary length; disputes in the cotton manufacture respecting the manufacture of cravats, shawls, policat, romal, and other handkerchiefs, and the number to be contained in one piece of such handkerchiefs; disputes arising out of, for, or touching the particular trade or manufacture, or contracts relative thereto, which cannot be otherwise mutually adjusted and settled; disputes between masters and persons engaged in sizing or ornamenting goods; but nothing in this Act contained shall authorize any justice or justices acting as herein-after mentioned to establish a rate of wages or price of labour or workmanship at which the workmen shall in future be paid, unless with the mutual consent of both master and workman: Provided always, that all complaints by any workman as to bad materials shall be made within three weeks of his receiving the same; and all complaints arising from any other cause shall be made within six days after such cause of complaint shall arise.

Limitation of Time for Workmen to lodge their Complaints.

Appointment of Referees.

III. And be it further enacted, That whenever such subjects of dispute shall arise as aforesaid, it shall be lawful for the master and workmen, or either of them, to demand and have an arbitration or reference thereof in manner following; (that is to say,) Where the party complaining and the party complained of shall come before or agree by any writing under their hands to abide by the determination of any justice of the peace or magis-

trate of any county, riding, division, stewartry, barony, city, burgh, town, or place, within which the parties reside, it shall and may be lawful for such justices of the peace or magistrate to hear and finally determine, in a summary manner, the matter in dispute between such parties; but if such parties shall not come before or so agree to abide by the determination of such justice of the peace or magistrate, then it shall be lawful for any such justice or magistrate, and such justice of the peace or magistrate is hereby required, on complaint made before him, and proof by the examination of the party making such complaint, that application has been made to the person or persons against whom such cause of complaint has arisen, or his her or their agent or agents, if such dispute has arisen with such agent or agents, to settle such dispute, and that the same has not been settled upon such complaint being made, or where the dispute relates to a bad warp, that such cause of complaint has not been done away with within forty-eight hours after such application, to summon before him such person or persons, or agent or agents, on some day not exceeding three days, exclusive of *Sunday*, after the making such complaint, giving notice to the person making such complaint of the time and place appointed in such summons for the attendance of such person or persons, agent or agents as aforesaid; and if at such time and place the person or persons so summoned shall not appear by himself herself or themselves, or send some person on his her or their behalf, to settle such dispute, or appearing, shall not do away such cause of complaint, then and in such case it shall be lawful for such justice, and he is hereby required, at the request of either of such parties, to nominate arbitrators or referees for settling the matters in dispute; and such justice shall then and there at such meeting propose not less than four nor more than six persons, one half of whom shall be master manufacturers, or agents or foremen of some master manufacturer, and the other half of whom shall be workmen in such manufacture; such respective persons residing in or near to the place where such disputes shall have arisen; out of which master manufacturers agents or foreman, the master engaged in such dispute, or his agent, shall choose one, and out of which workmen so proposed, the workman or his agent shall choose another, who shall have full power to hear and finally determine such dispute.

Appointment of other Referees where those appointed refuse or delay to accept the Reference, or accepting, do not act therein.

IV. And be it further enacted, That in case any or either of the persons so proposed by any such justice shall refuse or delay to accept such arbitration, or accepting shall not act therein, within two days after such nomination, the justice shall proceed to name another or other persons of the descriptions aforesaid, in the room of the person so refusing as aforesaid to be arbitrator or arbitrators in the place of any such arbitrator or arbitrators so refusing or delaying to accept, or who shall not act; and in every case of a second nomination the arbitrators shall meet within twenty-four hours after the application for the same, and at the same place at which the meeting of the referees first named was appointed, or at some other convenient place, as the justice may appoint; and the expence of every such application for the appointment of a second referee shall be borne and defrayed by the party through whose default, or the default of whose referee, such application is rendered necessary; and the justice making such second appointment shall certify the same in the form for that purpose hereafter set forth, or in some other form to the like effect; and in every case where a second arbitrator shall be appointed as aforesaid, and such second arbitrator shall not attend at the same time and place appointed for settling the matters in dispute, it shall be lawful for the other arbitrator, at such time and place to proceed by himself to the hearing and determining of the same matters in dispute; and in such case the award of such sole arbitrator shall be final and conclusive as to all matters in dispute submitted to such arbitrator, without being subject to review appeal or suspension.

Meeting of Referees, Notice of which shall be given.

V. And be it further enacted, That the arbitrators or referees being so nominated as aforesaid, the said justice shall thereupon appoint a place of meeting according to the directions of this Act, and also a day for the meeting, notice of which nomination, and of the day of meeting, shall

No. XXIV. 5 Geo. IV. c. 96.

thereupon be given by such justice to the persons so nominated arbitrators or referees, and to any party to any such dispute, who may not have attended the meeting before such justice as aforesaid; which appointment shall be by such justices certified in the form following, or in some other form to the like effect; (that is to say,)

Form of Justice's Order, certifying Nomination of Referees.

'I *A. B.*, one of the justices of the peace acting for
' , do hereby certify, That *C. D.* and *E. F.*
' are duly nominated referees to settle the matters in difference between
' *G. H.* of master manufacturer,
' [*or* agent *or* foreman, *as the case may be*,] and *I. K.* of
' weaver, [*or otherwise as the case may be*,]
' pursuant to an Act passed in the fifth year of the reign of his present
' Majesty; and that the said referees are hereby directed to meet at
' on the
' day of at of the
' clock in the forenoon [*or* afternoon, *as the case may be*].
' *A. B.*'

'I *A. B.*, one of the justices of the peace acting for
' do hereby certify, That the above-named *C. D.* and *E. F.* [*or* one of
' them, *as the case may be*], having refused or delayed to act in the above-
' mentioned reference, *L. M.* and *N. O.* [*or L. M. only, as the case may*
' *be*,] are [*or* is] by me duly nominated referees [*or* referee], together with
' the above-named *C. D.* [*or E. F.*] to settle the matters in difference be-
' tween the above-named *G. H.* and *I. K.*; and the said *C. D.* or *E. F.*
' together with the said *L. M.* [*or* the said *L. M.* or *N. O.*, *as the case may*
' *be*,] are directed to meet at the place above mentioned, on
' the day of in the year of our Lord
' at of the clock in the forenoon
' [*or* afternoon, *as the case may be*]. *A. B.*'

And the persons so appointed as aforesaid shall hear and examine the parties and their witnesses, and determine such dispute within two days after such nomination, exclusive of *Sundays;* and the determination of such arbitrators shall be final and conclusive.

Place for the Meeting of Referees.

VI. And be it further enacted, That in all cases where complaints are made respecting bad warps or utensils by workmen, the place of meeting of the referees shall be at or as near as may be to the place where the work shall be carrying on; and in all other cases at or as near as may be to the place or places where the work has been given out.

Attendance of Parties.

VII. Provided also, and be it further enacted, That if any person so complaining as aforesaid shall not attend, or send some person on his or her behalf, at the time and place appointed by such justice of the peace, for the purpose of naming such persons as aforesaid, such person shall not in such case be entitled to the benefit of this Act; and if any person against whom any such complaint shall have been made as aforesaid shall not attend, or send some person on his or her behalf, the justice of the peace shall thereupon nominate a person for him out of such persons so proposed as aforesaid.

Investigation of the Complaint.

VIII. And be it further enacted, That the said arbitrators and referees shall meet at the time and place fixed by the justice of the peace by whom such referees were appointed, and shall by inspection of the work in regard to which the dispute may have arisen, by hearing and examining the parties, or any other persons on their behalf, or that attend to give evidence respecting the matters in dispute, upon oath, (which the said arbitrators and referees are hereby empowered to administer,) or otherwise, or by otherwise ascertaining the true state of the case, in such manner as to such arbitrators and referees shall appear necessary, proceed to determine the matter or matters in dispute referred to them; and the award to be made by such arbitrators and referees shall be final and conclusive between the parties, without being subject to review or challenge by any court or authority whatsoever.

Arrest and Commitment of refractory Witnesses.

IX. And be it further enacted, That it shall be lawful for any arbitrator or arbitrators, referee or referees, and he or they are hereby authorized and required at the request in writing of any of the parties to issue his or their summons to any witness or witnesses to appear and give evidence before such arbitrator or arbitrators, referee or referees, at the time and place appointed for hearing and determining any such dispute, and which time and place shall be specified in such summons; and if any person, so summoned to appear as a witness as aforesaid, shall not appear before such arbitrator or arbitrators, referee or referees, at the time and place specified in such summons, or offer some reasonable excuse for the default, or appearing according to such summons, shall not submit to be examined as a witness, and give his evidence before such arbitrator or arbitrators, referee or referees, touching the matter of such dispute, then and in every such case it shall be lawful for any one or more of his Majesty's justices of the peace acting in and for the county, stewartry, riding, division, barony, city, burgh, town, or place, where such dispute shall have arisen, and they are hereby authorized, (proof on oath, in the case of any person not appearing according to such summons, having been first made before such justice or justices, of the due service of such summons on every such person by delivering the same to him, or by leaving the same twenty-four hours before the time appointed for such person to appear before such arbitrator or arbitrators, referee or referees, at the usual place of abode of such person,) by warrant under the hands of any such justice or justices to commit any such person so making default in appearing, or appearing and refusing to give evidence, to some prison within the jurisdiction of any such justice or justices, there to remain, without bail or mainprize, for any time not exceeding two calendar months, nor less than seven days, or until such person shall submit himself to be examined, and give his evidence before such arbitrator or arbitrators, referee or referees as aforesaid: Provided always, that in case such dispute shall be heard and determined before such offender shall submit to be examined, and give evidence as aforesaid, then and in every such case he, she, or they shall be imprisoned the full term of such commitment.

Adjournment of the Complaint from the Referees to a Justice.

X. And be it further enacted, That in case such arbitrators and referees so appointed cannot agree upon and decide such matter or matters in dispute so referred as aforesaid, or shall not make and sign their award within three days after the date of the order of such justice, certifying their appointment, then the said arbitrators and referees shall, without delay, go before the justice by whom they were appointed, and in case of his absence or indisposition, before any other of his Majesty's justices of the peace acting in and for the county, stewartry, riding, division, barony, city, burgh, town, liberty, or place, and residing nearest to the place where the meeting to settle such dispute shall have taken place, and shall state to such justice or justices who may be present the points in difference between them the said arbitrators and referees, which points in difference the said justice or justices shall and is and are hereby authorized and required to hear and determine upon the statement of the arbitrators and referees; and the said justice or justices is and are hereby directed and required to settle and determine the matter in dispute with all possible dispatch, and in all cases, within the space of two days after the expiration of the time hereby allowed to the arbitrators and referees to make and sign their award; and the determination of such justice or justices shall be final and conclusive between the parties so differing as aforesaid, without being subject to review or challenge by any court whatsoever.

Proceeding where One Referee refuses to go before the Justice.

XI. And be it further enacted, That if either arbitrator or referee shall neglect or refuse to go before such justice of the peace in the manner herein directed, it shall and may be lawful for such justice, after summoning the arbitrators to attend him, to determine the matter or matters in dispute, upon the statement and representation of either of the arbitrators who shall come before him.

Manufacturer not to act as Justice.

XII. Provided always, and be it further enacted, That no justice of the peace, being also a master manufacturer or agent, shall act as such justice under this Act.

No. XXIV. 5 Geo. IV. c. 96.

XIII. Provided always, and be it further enacted, That as well in all such cases of dispute as aforesaid as in all other cases, if the parties mutually agree that the matter in dispute shall be arbitrated and determined in a different mode to the one hereby prescribed, such agreement shall be valid, and the award and determination thereon final and conclusive between the parties; and the same proceedings of distress, sale, and imprisonment, as hereafter mentioned, shall be had towards enforcing such award, (by application to any justice of the peace of the county, stewartry, riding, division, barony, city, town, burgh, or place, within which the parties shall reside,) as are by this Act prescribed for enforcing awards made under and by virtue of its provisions.

Disputes may be adjusted by any other Mode of Arbitration upon which the Parties may agree.

XIV. Provided always, and be it further enacted, That where any work shall have been delivered to any workman by the agent or servant of any master or masters, to be when finished delivered to such agent or servant; and also where two or more persons shall carry on the business of such manufacture as partners, in every such case respectively the like proceedings shall and may be had and made against such agent, servant, or any partner, and shall be as effectual as if the same had been had and made against the principal, or all the partners; and all the said persons respectively shall obey the award made thereupon, and all such order or orders as shall be made by the said justice or justices in or respecting the matters in dispute, and shall be subject to the same proceedings and consequences for refusing or delaying to abide by or perform the same, as if the proceedings had been had against the principal, or against all the partners.

Partners, Agents, and Servants of Masters, to be considered Principals.

XV. And be it further enacted, That it shall be lawful in all cases for any master or workman by writing under his hand, to authorize any person to act for him in submitting to arbitration and attending arbitrators or justices touching the matter of any arbitration.

Masters not resident on the Spot may depute another Person to act for them.

XVI. Provided also, and be it further enacted, That in all cases where any proceedings may be had against a master or masters under this Act, or where such proceedings shall have been commenced, and the master or masters shall become or be bankrupt, or any assignment of his or their estate or effects shall have been made under the said bankruptcy, or otherwise by deed or in law, the factor or trustee upon or the assignee or assignees of such estate or effects shall be liable to the proceedings authorized by this Act against the master or masters, as fully as the master or masters was or were before the bankruptcy or assignment; and such proceedings may be commenced or carried on against such factor, trustee, assignee, or assignees, who shall fulfil and abide by the award made thereupon, and all such order or orders as shall be made by the said justice or justices in or respecting the matters in dispute, and shall be subject to the same proceedings and consequences for wilfully refusing or delaying to abide by or perform the same, as if the proceedings had been had against the master or masters before his or their bankruptcy, or the assignment of his or their estate or effects; provided that all sums of money to be paid in pursuance of such award or orders shall be recoverable only out of the estate or effects of such master or masters, and not out of the proper money of such factor, trustee assignee, or assignees.

Provision for the Case of the Master becoming Bankrupt after Proceedings commenced.

XVII. And be it further enacted, That where any married woman, or infant under the age of twenty-one years, shall have cause or complaint in any of the cases provided for by this Act, against any master or masters, his or their agent or servant, or factor or trustee, or assignee or assignees as aforesaid, such complaint may be lodged, and all further proceedings thereupon had, by and in the name of the husband of such married woman, and of the father, or, if dead, of the mother, or if on the death of both parents, of any of the kindred of any such infant, or of the surety or sureties in any indenture of apprenticeship of any such infant, being an apprentice, or of any person nominated by such infant, if he or she shall not have parent, kindred, or surety; and all such proceedings shall be as effectual, valid, and binding, as if such married woman was sole, and such infants were of full age, and pursued by themselves the remedies provided by this Act.

In whose Name Proceedings shall be, where the Complainant is a married Woman or Infant.

XVIII. And be it further enacted, That with every piece of work given out by the manufacturer to a workman to be done, there shall (if both parties are agreed) be delivered a note or ticket, in such form as the said parties shall mutually agree upon; and which said note or ticket, in the event of dispute between the manufacturer and workmen shall be evidence of all matters and things mentioned therein or respecting the same. Particulars shall be given out with the Work.

Tickets of

XIX. And be it further enacted, That a duplicate of every such note or ticket shall be made and kept by the master or agent delivering the same, which duplicate shall be evidence of all the matters and things therein contained, in case the workman shall not produce to the arbitrators, or the said justice, as the case may be, the said note or ticket so delivered to him with the said work.

Duplicates of such Tickets.

XX. And be it further enacted, That it shall not be allowable to any manufacturer, who shall have received into his possession any article without objection made within twenty-four hours, by himself or his clerk or foreman, afterwards to make any complaint on account of work so received. not to complain afterwards.

Manufacturers receiving Articles without Objection

XXI. Provided always, and be it further enacted, That if the parties by and between whom the said reference shall take place as aforesaid, shall think it expedient, or be desirous to extend the time hereby limited for the making the award or umpirage, it shall and may be lawful for them to extend the same accordingly by endorsement, according to the form in the schedule hereunto annexed, on the back of the order of the justice of peace, certifying the appointment of the referees, to be signed by both of them in the presence of one or more credible witness or witnesses.

Extension of the Time limited for making the Award.

XXII. And be it further enacted, That the award or umpirage to be made upon any reference demanded under this Act, shall and may be drawn up and written at the foot or upon the back of the said order, certifying the appointment of the referees, according to the form in the schedule hereunto annexed.

Form of the Award in Schedule annexed.

XXIII. And be it further enacted, That upon fulfilment of the award or umpirage, the same shall be acknowledged by the party in whose behalf the same was made, by an acknowledgment at the foot of the said award, in the form of the schedule hereunto annexed, which, with the award, shall thereupon be delivered to the party fulfilling the same.

On the Award being fulfilled, the Fulfilment shall be acknowledged.

XXIV. And be it further enacted, That if any party shall refuse or delay to fulfil an award under this Act, for the space or term of two days after the same shall have been reduced into writing, it shall be lawful for any such justice as aforesaid, on the application of the party aggrieved, and he is hereby required by warrant under his hand according to the form of the schedule hereunto annexed, or in some other form to the like effect, to cause the sum and sums of money directed to be paid by any such award to be levied by distress and sale of any goods and chattels of the person or persons liable to pay the same, together with all costs and charges attending such distress and sale, such sale to take place within such time, not exceeding five days, as the said justice shall think proper; and the overplus, if any, to arise by such sale, to be rendered to the owners of the goods and chattels distrained; and in case it shall appear by any return to such warrant that no sufficient distress can be readily had, which return may be in the form contained in the schedule hereunto annexed, or in some other form to the like effect, it shall be lawful for any such justice as aforesaid, and he is hereby required by warrant under his hand according to the form of the schedule hereunto annexed, or in some other form to the like effect, to commit the person or persons so liable as aforesaid to the common gaol, or some house of correction within his or their jurisdiction, there to remain without bail for any time not exceeding three months.

The Performance of the Award may be enforced by Distress, and failing that the Party shall be imprisoned.

XXV. And whereas cases may occur where the recovery of such sum or sums of money by distress and sale of the goods and chattels of the defaulter may appear to the justice or justices of the peace by whom the warrant is to be issued to be attended with consequences ruinous or in an

In certain Cases the Warrant of Distress shall be withheld, and the Defaulter committed to Prison.

No. XXIV. 5 Geo. IV. c. 96.

especial manner injurious to the defaulter and his family; to prevent which consequences, be it further enacted, That the said justice or justices, in all such cases, shall withhold such warrant, and commit the defaulter to the common gaol or some house of correction within his or their jurisdiction, there to remain without bail for any time not exceeding three months; such commitment to be in the form or to the effect of the form in the schedule to this Act annexed.

On Payment of the Sum awarded, with the Costs and Charges, the Party shall be discharged from Prison.

XXVI. And be it further enacted, That where any person shall be committed to prison for refusing or delaying to fulfil an award as aforesaid, and such person shall, at any time during the period of his or her imprisonment, pay to the governor or keeper of the prison the full amount of the sum awarded, with all reasonable expences incurred through such refusal or delay, it shall be lawful for such governor or keeper of such prison, and he is hereby required forthwith to discharge such person from his custody.

Warrant of Commitment to be in Form set forth in Schedule.

XXVII. And be it further enacted, That the justice or justices by whom any person or persons shall be committed to prison for not appearing as a witness, or not submitting to be examined, shall cause the warrant or order for such commitment to be drawn up in the form or to the effect set forth in the schedule to this Act

No Appeal or Certiorari shall lie.

XXVIII. And be it further enacted, That no appeal or *certiorari* shall lie against any proceedings under this Act.

Proceedings not invalid for want of Form.

XXIX. And be it further enacted, That no proceedings under this Act shall be invalid for want of form.

Fees to be taken for Proceedings under this Act.

XXX. And be it further enacted, That the following and no higher fees shall be allowed to be taken for any proceeding under this Act; (that is to say,)

To the Clerk of the Justice or Justices:

For each summons - - - -	two-pence.
For every oath or affirmation - - -	three-pence.
For drawing and entering the order - -	four-pence.
For every warrant - - - -	sixpence.

To the Constable or other Peace Officer:

For service of summons or order - -	four-pence.
For executing warrant of distress and sale of goods - - - - -	one shilling.
For custody of goods distrained, *per diem* -	three-pence.
For every mile he shall travel - - -	three-pence.
For every caption - - - -	sixpence.

And a table of fees, signed by the clerk to such justice or justices, shall be hung up in every place where any general or quarter session, or petty or other sessions of the peace shall be held.

Costs and Expences how to be settled.

XXXI. And be it further enacted, That all costs, time, and expences attending the application to justices, to be made under this Act, and of the arbitration pursuant thereon, shall be settled by the arbitrators or arbitrator by whom such dispute shall be settled; and where the same shall be determined by any justice of the peace, pursuant to this Act, then the costs, time, and expences aforesaid shall be settled by such justice; and where the arbitrators appointed as aforesaid cannot agree as to the costs, time, and expences to be allowed, the same shall be settled by the justice or justices of the peace by whom the said arbitrators were named, and in case of his absence or indisposition, by any justice of the peace for the same county, stewartry, riding, division, barony, city, burgh, liberty, town, or place nearest to the place at which the arbitrators met to settle the dispute: Provided always, that no master manufacturer, his foreman or agent, shall in any case be allowed for costs, time, or expences, by the said justice or justices, unless it shall appear to him or them that the proceedings of the workmen were vexatious and oppressive.

Proceedings exempt from Stamp Duty.

XXXII. Provided always, and be it enacted, That every agreement, submission, award, ticket, matter, or thing, under and by virtue of this

Act, or relating to any other mode of arbitration as aforesaid, shall and may be drawn up and written upon unstamped paper.

XXXIII. Provided also, and be it further enacted, That no action shall be brought against any arbitrator, justice of the peace, constable, headborough, or other officer, or against any other person or persons whomsoever, for any matter or thing whatsoever done or committed under or by virtue or in the execution of this Act, unless such action shall be brought within six calendar months next after the doing or committing of such matter or thing.

Limitation of Time for suing those who act in Execution of this Act.

XXXIV. Provided also, That if any action or suit shall hereafter be commenced or prosecuted against any person or persons for any thing done under, by virtue, or in the execution of this Act, such person or persons may plead the general issue, and give this Act and the special matter in evidence; and if the plaintiff shall become nonsuited or suffer discontinuance, or forbear further prosecution, or if judgment shall be given for the defendant or defendants, such defendant or defendants shall recover his, her, or their full costs, and for which he, she, or they shall have like remedy as in cases where costs by law are given to defendants.

Persons sued for acting in Execution of this Act may plead the General Issue.

XXXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to repeal, abridge, annul, or make void any of the clauses, provisions, remedies, or powers contained in any law or statute now in force, and not repealed by this Act.

Not to extend to repeal any Act not hereby repealed.

SCHEDULE.

Form of the Award to be written at the Foot or upon the Back of the Order of the Justices of Peace certifying the Reference.

WE, *I. K.* and *L. M.* [*name and describe the referees*] the referees appointed to settle the matters in dispute between the parties within named [*or, I. K.* one of the referees so appointed; *or, L. M.* the other referee appointed having failed to attend; *or, I N. O.* the justice, *as the case may be;*] do hereby adjudge and determine that [*here set forth the determination; to which the referee or referees, or justice, as the case may be, shall subscribe their names.*]

Form of Indorsement, extending the Time limited for making the Award.

WE, *A. B.* and *C. D.*, parties to the within reference, do hereby agree to extend the same to the day of inclusive. Witness our hands this day of

A. B.

Witness, *C. D.*

Form of Acknowledgment of Fulfilment of the Award, to be written at the Foot or on the Back thereof.

I *A. B.* do hereby acknowledge that the above award hath been fulfilled by *C. D.* who is hereby discharged of the same. Witness my hand this day of

Witness, *A. B.*

Form of the Oath to be administered by the Arbitrators or Justice to the Parties and Witnesses under this Act.

THE evidence that you shall give before us, the arbitrators appointed by *C. D.* and *C. D.* [*the parties*] to determine the matters in difference between them, under and by virtue of an Act passed in the fifth year of the reign of King *George* the Fourth, intituled *An Act* [*state the title of this Act*], shall be the truth, the whole truth, and nothing but the truth.

So help you GOD.

Form of Commitment of a Person summoned as a Witness before the Arbitrators.

WHEREAS proof on oath hath been made before me, one of his Majesty's justices of the peace for the county [*or* riding, stewartry, division, city, burgh, liberty, town, *or* place] of on this

No. XXIV. 5 Geo. IV. c. 96.

day of that *A. B.* hath been duly summoned, and hath neglected to appear and give evidence before *C. D.* and *E. F.* the arbitrators appointed by and between *G. H.* and *I. K.* to determine the matters in dispute between them at in the county [*or* riding, stewartry, division, city, burgh, liberty, town, *or* place] of on the day of under and by virtue of an Act made in the fifth year of the reign of his present Majesty, intituled *An Act* [*here set forth the title of this Act*], and the said *A. B.* being required by me, the said justice, to give evidence before the said arbitrators, and still refusing so to do, therefore I, the said justice, do hereby, in pursuance of the said Act, commit the said *A. B.* to the [*describing the prison and the house of correction*] there to remain without bail or mainprize for his [*or* her] offence aforesaid, until he [*or* she] shall submit himself [*or* herself] to be examined, and give his [*or* her] evidence before the said arbitrators, touching the matters referred to them as aforesaid, or shall otherwise be discharged by due course of law: And you the [*constable or other peace officer or officers to whom the Warrant is directed*] are hereby authorized and required to take into your custody the body of the said *A. B.* and him [*or* her] safely to convey to the said prison [*or* house of correction] and him [*or* her] there to deliver to the gaoler [*or* keeper] thereof, who is hereby authorized and required to receive into his custody the body of the said *A. B.* and him [*or* her] safely to detain and keep, pursuant to this commitment. Given under my hand, this day of in the year of our Lord

[*This commitment to be directed to the proper peace officer, and the gaoler* [or *keeper*] *of the prison* [or *house of correction.*]

Form of Warrant of Distress.

To the constable of

WHEREAS of under an award made by on the day of in the year of our Lord pursuant to an Act passed in the fifth year of the reign of his present Majesty, intituled *An Act* [*state the title of this Act*], is liable to pay to of the sum of and also the sum of and the said having refused or neglected to pay the same for the space of two days and upwards subsequent to the making such award, these are therefore to command you to levy the said sum of by distress and sale of the goods and chattels of the said and I do hereby order and direct the goods and chattels so to be distrained to be sold and disposed of within days, unless the said sum of for which such distress shall be made, together with the reasonable charges of taking and keeping such distress, shall be sooner paid; and you are also hereby commanded to certify to me what you shall do by virtue of this my warrant. Given under my hand and seal, at the day of

Form of the Constable's Return to the Warrant of Distress.

I, constable of do hereby certify to justice of the peace of that I have made diligent search for, but do not know of, nor can find any goods and chattels of by distress and sale whereof I may levy the sum of pursuant to his warrant for that purpose. Dated the day of in the year of our Lord

Given under my hand this day of in the year of our Lord

Form of Commitment thereupon to the House of Correction.

Here name the county. } To the constable of and also to the keeper of the house of correction at

WHEREAS of under an award made by on the day of in the year of our Lord

No. XXIV. 5 Geo. IV. c. 96.

pursuant to an Act passed in the fifth year of the reign of his present Majesty, intituled *An Act* [*state the title of this Act*], became liable to pay to the sum of and also the sum of for costs, time, and expences, making together the sum of and having refused or neglected to pay the same for the space of two days and upwards subsequent to the making of such award, my warrant was, according to the provisions of the said Act, duly made and issued for the levying the said sum of by distress and sale of the goods and chattels of the said : And whereas it appears by the return of constable of dated the day of that he hath made diligent search for, but doth not know of, nor can find any goods and chattels of the said by distress and sale whereof the said sum of may be levied pursuant to my said warrant: These are therefore to command you the said constable of to apprehend the said and convey him to the said house of correction at aforesaid, and deliver him there to the keeper of the said house of correction; and these are also to command you the keeper of the said house of correction, to receive him the said into the said house of correction, and there keep him without bail or mainprize for the space of months, unless the said sum of so ordered to be paid as aforesaid, shall be sooner satisfied, with all reasonable expences. Given under my hand and seal, at the day of

Form of Commitment where the Warrant of Distress is withheld.

Here name the county. } To the constable of and also to the keeper of the house of correction at

WHEREAS of under an award made by on the day of in the year of our Lord pursuant to an Act passed in the fifth year of the reign of his present Majesty, intituled *An Act* [*state the title of this Act*], became liable to pay to the sum of and also the sum of for costs, time, and expences, making together the sum of which he has refused or neglected to pay for the space of two days and upwards subsequent to the making of such award: And whereas it appears to me that the recovery of such sum and warrant of distress and sale of the goods and chattels of the said will be attended with consequences ruinous or in an especial manner injurious to the defaulter [and his family, *if any*] and I have therefore determined to withhold such warrant and to commit the said to prison, pursuant to the said Act: These are therefore to command you, the said constable of to apprehend the said and convey him to the said house of correction at aforesaid, and deliver him there to the keeper of the said house of correction: And these are also to command you, the keeper of the said house of correction, to receive him the said into the said house of correction, and there keep him without bail or mainprize for the space of months, unless the said sum of so ordered to be paid as aforesaid shall be sooner satisfied, with all reasonable expences. Given under my hand and seal, at the day of

---

No. XXV. 6 Geo. IV. c. 129.

[No. XXV.] 6 George IV. c. 129.—An Act to repeal the Laws relating to the Combination of Workmen, and to make other Provisions in lieu thereof.—[6th *July* 1825.]

WHEREAS an Act was passed in the last session of Parliament, intituled *An Act to repeal the Laws relative to the Combination of* 5 G. 4. c. 95.

No. XXV. 6 Geo. IV. c. 129.

Workmen, and for other Purposes therein mentioned, by which Act various statutes and parts of statutes relating to combinations among workmen for fixing the wages of labour, and for regulating or controlling the mode of carrying on any manufacture, trade, or business, were repealed, and other provisions were made for protecting the free employment of capital and labour, and for punishing combinations interfering with such freedom, by means of violence, threats, or intimidation: And whereas the provisions of the said Act have not been found effectual: And whereas such combinations are injurious to trade and commerce, dangerous to the tranquillity of the country, and especially prejudicial to the interests of all who are concerned in them: And whereas it is expedient to make further provision, as well for the security and personal freedom of individual workmen in the disposal of their skill and labour, as for the security of the property and persons of masters and employers, and for that purpose to repeal the said Act, and to enact other provisions and regulations in lieu thereof: Be it therefore enacted by the King's most excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act the said recited Act of the last session of Parliament shall be and the same is hereby repealed.

Recited Act repealed.

Certain Acts shall stand and remain repealed, viz. 33 Edw. 1. so far as relates to combination of Workmen.

II. Provided always, and be it enacted, That from and after the passing of this Act, so much of an Act made in the thirty-third year of the reign of King *Edward* the First, concerning conspirators who do confeder or bind themselves by oath, covenant, or other alliance, as relates or extends to combinations or conspiracies of workmen or other persons to obtain an advance of or to fix the rate of wages, or to lessen or alter the hours or duration of the time of working, or to decrease the quantity of work, or to regulate or controul the mode of carrying on any manufacture, trade, or business, or the management thereof, or to combinations or conspiracies of masters, manufacturers, or other persons, to lower or fix the rate of wages, or to increase or alter the hours or duration of the time of working, or to increase the quantity of work, or to regulate or controul the mode of carrying on any manufacture, trade, or business, or the management

3 H. 6. c. 1. thereof, or to oblige workmen to enter into work; and also so much of a statute made in the third year of King *Henry* the Sixth, as relates to the annual congregations and confederacies made by masons in their general

33 H. 8. st. 1. c. 9, (I.) chapters assembled; and also a certain Act passed in the Parliament of *Ireland*, in the thirty-third year of King *Henry* the Eighth, intituled *An Act for Servants' Wages;* also a certain Act passed in the second and third

2 & 3 Ed. 6. c. 15. years of King *Edward* the Sixth, intituled *An Act touching Victuallers and*

5 Parl. Jac. 1. (S.) *Handicraftsmen;* and also a certain other Act passed in the Parliament of *Scotland*, in the fifth Parliament of King *James* the First of *Scotland*, intituled *Of the Fees of Craftsmen, and the Price of their Worke;* also a certain other Act passed in the Parliament of *Scotland*, in the fifth Parliament of King *James* the First of *Scotland*, intituled *Of the Fees of Workmen;* also a certain other Act passed in the Parliament of *Scotland*, in the fifth Parliament of King *James* the First of *Scotland*, intituled *Of Writches and Masones;* also a certain other Act passed in the Parliament of *Scotland*, in the seventh Parliament of King *James* the First of *Scotland*,

7 Parl. Jac. 1. (S.) intituled *The Price of ilk Workmanshippe;* also a certain other Act passed

5 Parl. Mary (S.) in the Parliament of *Scotland*, in the fifth Parliament of Queen *Mary* of *Scotland*, intituled *The Price of Craftesmenne's Wark, of Meate and Drinke in Tavernes;* also a certain other Act passed in the Parliament of *Scotland*,

7 Parl. Jac. 6. (S.) in the seventh Parliament of King *James* the Sixth of *Scotland*, intituled

13 & 14 C. 2. c. 15. in part. *Anent the setting of Ordour and Price in all Stuffe;* also so much of a certain other Act passed in the thirteenth and fourteenth years of King *Charles* the Second, intituled *An Act for regulating the Trade of Silk Throwing*, as provides and enacts, that the corporation of silk throwers should not, by virtue of that Act, nor any thing therein contained, make any orders, ordinances, or bye laws, to set any rates or prices whatsoever upon the throwing of silk, to bind or enforce their members to

7 G. 1. st. 1. c. 13. in part. work at; also a certain other Act passed in the seventh year of King

George the First, intituled *An Act for regulating the Journeymen Tailors within the Weekly Bills of Mortality*, excepting so much thereof as relates to the recovery of wages, or to journeymen tailors or servants departing from their service, or refusing to enter into work or employment, as therein mentioned; also so much of an Act passed in the twelfth year of King *George* the First, intituled *An Act to prevent unlawful Combinations of Workmen employed in the Woollen Manufactures, and for better Payment of their Wages*, as provides that contracts, covenants, or agreements, bye laws, ordinances, rules, and orders, made or entered into by or between persons brought up in, or professing, using, or exercising the art and mystery of a woolcomber or weaver, or journeyman woolcomber or journeyman weaver, as therein mentioned, shall be illegal, null, and void, and as punishes woolcombers, weavers, journeymen woolcombers and weavers, and other persons concerned in the woollen manufactures, for keeping up, continuing, acting in, making, entering into, signing, sealing, or being knowingly concerned in, presuming or attempting to put in execution such agreements, bye laws, ordinances, rules, or orders, as therein mentioned, and as provides that the provisions of the said Act of the twelfth of *George* the First, just recited, shall extend to the persons therein mentioned; also so much of a certain other Act passed in the Parliament of *Ireland*, in the third year of King *George* the Second, intituled *An Act to prevent unlawful Combinations of Workmen, Artificers, and Labourers, employed in the several Trades and Manufactures of this Kingdom, and for the better Payment of their Wages; as also to prevent Abuses in making of Bricks, and to ascertain their Dimensions*, as declares illegal, null, and void the contracts, covenants, agreements, bye laws, ordinances, rules, and orders therein mentioned, and makes it an offence to keep up, continue, act in, make, enter into, sign, seal, or be knowingly concerned therein, and to presume or attempt to put the same into execution, as therein mentioned; also so much of a certain other Act passed in the Parliament of *Ireland*, in the seventeenth year of King *George* the Second, intituled *An Act for continuing several Statutes now near expiring, and for amending other Statutes, and for other Purposes therein mentioned*, as declares the assemblies therein mentioned to be unlawful assemblies, the houses where they meet common nuisances, and punishes the master and mistress thereof, as likewise those who enter into the contracts, covenants, or articles therein mentioned, or collect or pay money for the support of persons as therein mentioned; also so much of a certain other Act passed in the twenty-second year of King *George* the Second, intituled *An Act for the more effectual preventing Frauds and Abuses committed by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk Manufactures, and for preventing unlawful Combinations of Journeymen Dyers and Journeymen Hotpressers, and of all persons employed in the said several Manufactures, and for the better Payment of their Wages*, as extends those provisions of the said Act of the twelfth of *George* the First herein mentioned to the persons therein mentioned; also so much of a certain other Act passed in the twenty-ninth year of King *George* the Second, intituled *An Act to render more effectual an Act passed in the Twelfth Year of the Reign of His late Majesty King* George, *to prevent unlawful Combinations of Workmen employed in the Woollen Manufactures, and for better Payment of their Wages; and also an Act passed in the Thirteenth Year of the Reign of His said late Majesty, for the better Regulation of the Woollen Manufacture, and for preventing Disputes among the Persons concerned therein, and for limiting a Time for Prosecution for the Forfeiture appointed by the aforesaid Act, in case of the Payment of the Workmen's Wages in any other Manner than in Money*, as relates to the making of rates for the payment of wages, continuing and altering and notifying them as therein mentioned; also so much of a certain other Act passed in the Parliament of *Ireland*, in the third year of King *George* the Third, intituled *An Act for continuing and amending certain temporary Statutes heretofore made, for the better Regulation of the City of* Cork, *and for enlarging the Salary of the Treasurer, and for the better regulating the Sale of Coals in the said City, and for erecting*

12 G. 1. c. 34. in part.

3 G. 2. c. 14. (I.) in part.

17 G. 2. c. 28, (I.) in part.

22 G. 2. c. 27. in part.

29 G. 2. c. 23. in part.

3 G. 3. c. 17. (I.) in part.

No. XXV. 6 Geo. IV. c. 129.

and continuing Lamps in the same, and for the better preserving the Streets and Highways therein, and for confirming and establishing a Court of Conscience in the said City, and for regulating the Assize of Bread therein, and for securing the Quays by Parapet Walls, as relates to the assemblies and combinations of artificers, journeymen, apprentices, labourers, and manufacturers therein mentioned; also so much of a certain other Act passed in the Parliament of *Ireland*, in the third year of King *George* the Third, intituled *An Act for the better Regulation of the Linen and Hempen Manufactures*, as relates to meeting in order to consult upon or enter into rules, agreements, or combinations to ascertain or fix the price of labour or workmanship, and as relates to administering oaths or declarations tending to fix the price of wages or workmanship, and as relates to issuing and delivering tickets, certificates, and tokens of parties being licensed to work, and as relates to rules, orders, and regulations relating to the price or wages of labour or workmanship, and as relates to oaths to enter into combinations or agreements to ascertain or fix the price of wages or workmanship, and to oaths and combinations not to work for a particular employer, as therein mentioned; also a certain other Act, passed in the eighth year of King *George* the Third, intituled *An Act to amend an Act made in the Seventh Year of King* George *the First, intituled 'An Act for regulating 'the Journeymen Tailors within the Weekly Bills of Mortality;'* also so much of a certain other Act, passed in the Parliament of *Ireland* in the eleventh and twelfth years of King *George* the Third, intituled *An Act for the Regulation of the City of* Cork, *and for other Purposes therein mentioned relative to the said City*, as relates to the meetings and assemblies therein mentioned, the administering and taking oaths and declarations, to the tickets, certificates, advertisements, and writings, and to the rules, orders, agreements, and regulations, and to the combinations and agreements to ascertain or fix the price of wages, labour, or workmanship, or not to work, and as relates to the refusal or neglect, by persons not in actual service, to work on application made, and as relates to the detection and discovery of assemblies and combinations for any of the above recited purposes, and as relates to ascertaining wages as therein mentioned; also so much of a certain other Act, passed in the Parliament of *Ireland* in the eleventh and twelfth years of King *George* the Third, intituled *An Act for regulating the Journeymen Tailors and Journeymen Shipwrights of the City of* Dublin, *and the Liberties thereof, and of the County of* Dublin as punishes those who permit the clubs and societies therein mentioned to be kept or held in their houses or apartments, and as makes the contracts, covenants, and agreements therein mentioned, and oaths to enforce them illegal and as punishes persons for keeping up, continuing, acting in, making, entering into, signing, sealing, or being knowingly interested or concerned in such contracts, covenants, or agreements, and as punishes persons not retained or employed for refusing to enter into work or employment on request made, as therein mentioned, and as regulates the hours of work and the rate of wages as therein mentioned; also so much of a certain other Act, passed in the thirteenth year of King *George* the Third, intituled *An Act to empower the Magistrates therein mentioned to settle and regulate the Wages of Persons employed in the Silk Manufacture within their respective Jurisdictions*, as relates to settling, regulating, ordering and declaring the wages and prices of work, and the notification thereof, and makes it an offence to deviate from such settlement, regulation, order, and declaration, or to ask, receive, or take more or less wages or larger or less prices than shall be so settled, or to enter into combinations, or for that purpose to decoy or solicit, or to assemble, as therein mentioned, and as relates to the detection of such offences, and as makes it an offence to retain or employ journeymen weavers, out of the limits therein mentioned; or to give, allow, or pay, or cause to be given, allowed, or paid, more or less wages than shall be settled, as therein mentioned; also so much of a certain other Act, passed in the seventeenth year of King *George* the Third, intituled *An Act for the better regulating the Hat Manufactory*, as relates to the keeping up, acting in, making, entering into, signing, sealing, or being knowingly concerned in the contracts,

3 G. 3. c. 34. (I.) in part.

8 G. 3 c. 17.

11 & 12 G. 3. c. 18. (I.)

11 & 12 G. 3. c. 33. (I.) in part.

13 G. 3. c. 68. in part.

17 G. 3. c. 55. in part.

No. XXV. 6 Geo. IV. c. 129.

covenants, or agreements, bye laws, ordinances, rules, or orders of the clubs, societies, or combinations therein mentioned, or the presuming or attempting to put the agreements, bye laws, ordinances, rules, or orders in execution, or to the attending meetings, clubs, societies, or combinations, or to the summoning, giving notice to, or calling upon, collecting, demanding, or receiving, persuading, enticing, or inveigling, or endeavouring to persuade, entice, or inveigle, paying money, making or entering into subscriptions or contributions as therein mentioned; also so much of a certain other Act, passed in the Parliament of *Ireland* in the nineteenth and twentieth years of King *George* the Third, intituled *An Act to prevent Combinations, and for the further Encouragement of Trade*, as declares that combinations in trade are public nuisances, and that the Acts therein enumerated shall be considered as evidences of unlawful combinations, and sufficient for the conviction of any person who shall be guilty of the same, and as avoids rules, bye laws, and regulations contrary to its provisions, and oaths for obeying or executing the same, and as provides for the case of an Act of combination for which no specific punishment is pointed out, as therein mentioned; also so much of a certain other Act, passed in the Parliament of *Ireland* in the nineteenth and twentieth years of King *George* the Third, intituled *An Act for the better Regulation of the Silk Manufacture*, as relates to the wages and prices for work, to combinations to raise wages, and the decoying or soliciting journeymen weavers, as therein mentioned; also so much of a certain other Act passed in the Parliament of *Ireland* in the nineteenth and twentieth years of King *George* the Third, intituled *An Act for regulating the curing and preparing Provisions, and for preventing Combinations among the several Tradesmen and other Persons employed in making up such Provisions, and for regulating the Butter Trade in the City of* Dublin, *and for other Purposes therein mentioned*, as relates to summoning persons to appear at meetings and assemblies, and as relates to administering oaths or declarations, to the issuing and delivering of messages, tickets, certificates, tokens, advertisements, or writings, to making or joining in making rules, orders, agreements, and regulations, as therein mentioned, and as relates to taking oaths, or entering into combinations or agreements to ascertain or fix the price of wages, or of labour or workmanship, or to make any rule, order, agreement, or regulation, and to taking oaths, and entering into combinations and agreements not to work for a particular person, as therein mentioned, and as relates to the fixing of wages; also so much of a certain other Act, passed in the Parliament of *Ireland*, in the twenty-fifth year of King *George* the Third, intituled *An Act for granting the Sums of Twenty thousand Pounds, Five thousand Pounds, and Four thousand Pounds, to certain Trustees, and for promoting the several Manufactures therein named*, as relates to the ascertaining the rates of labour and prices of workmanship, as therein mentioned, and as requires an affidavit to be filed previous to the commencement of a suit as therein mentioned; also so much of a certain other Act, passed in the thirty-second year of King *George* the Third, intituled *An Act for extending the Provisions of an Act made in the Thirteenth Year of the Reign of his present Majesty, intituled 'An Act to 'empower the Magistrates therein mentioned to settle and regulate the Wages 'of Persons employed in the Silk Manufacture within their respective Jurisdictions,' to Manufactories of Silk mixed with other Materials, and for the more effectual Punishment of Buyers and Receivers of Silk purloined and embezzled by Persons employed in the Manufacture thereof*, as extend the provisions of the said Act of the thirteenth of *George* the Third, hereby repealed, to the persons therein mentioned; also a certain other Act, passed in the thirty-sixth year of King *George* the Third, intituled *An Act to prevent unlawful Combinations of Workmen employed in the Paper Manufactory;* also so much of a certain other Act passed in the thirty-ninth year of King *George* the Third, intituled *An Act to explain and amend the Laws relative to Colliers in that Part of* Great Britain *called* Scotland, as relates to the fixing and appointing of hire and wages; also an Act passed in the thirty-ninth and fortieth years of King *George*

19 & 20 G. 3. c. 19. (I.) in part.

19 & 20 G. 3. c. 24. (I.) in part.

19 & 20 G. 3. c. 36. (I.) in part.

25 G. 3. c. 48. (I.) in part.

32 G. 3. c. 44. in part.

36 G. 3. c. 111.

39 G. 3. c. 56. in part.

39 & 40 G. 3. c. 106. in Part.

No. XXV. 6 Geo. IV. c. 129.

the Third, intituled *An Act to repeal an Act passed in the last Session of Parliament, intituled 'An Act to prevent unlawful Combinations of Workmen,' and to substitute other Provisions in lieu thereof*, excepting so much thereof as relates to the adjustment of disputes between masters and workmen, as therein mentioned; also so much of a certain other Act passed in the forty-third year of King *George* the Third, intituled *An Act to prevent unlawful Combinations of Workmen, Artificers, Journeymen, and Labourers, in* Ireland, *and for other Purposes relating thereto*, as makes illegal and void contracts, covenants, and agreements for obtaining an advance of wages, or for lessening or altering the hours or time of working, or for decreasing the quantity of work, or for controuling or affecting the conduct or management of any manufacture, trade, or business, and as prohibits the making or entering into or being concerned in the same, and as punishes persons for so doing, and as relates to the combinations therein mentioned, and as relates to endeavouring by gift, persuasion, or solicitation to prevent persons hiring themselves, and as relates to attending the meetings therein mentioned, or endeavouring to induce the attendance of others, and collecting, demanding, asking, or receiving money for the purposes therein mentioned, and as relates to persuading, enticing, soliciting, or endeavouring to induce others to enter into or be concerned in the combinations therein mentioned, and to paying money, making or entering into subscriptions or contributions, and to oaths and declarations, and to tickets, certificates, and tokens, and to contributions supporting and maintaining others, as therein mentioned, and as punishes persons for permitting assemblies in their houses or apartments as therein mentioned; also a certain other Act passed in the forty-seventh year of King *George* the Third, intituled *An Act to declare that the Provisions of an Act made in the Parliament of* Ireland *in the Thirty-third Year of King* Henry *the Eighth, relating to Servants' Wages, shall extend to all Counties of Cities and Counties of Towns in* Ireland; also so much of a certain other Act passed in the fifty-seventh year of King *George* the Third, intituled *An Act to extend the Provisions of an Act of the Twelfth Year of His late Majesty King* George *the First, and an Act of the Twenty-second Year of His late Majesty King* George *the Second, against Payment of Labourers in Goods or by Truck, and to secure their Payment in the lawful money of this Realm, to Labourers employed in the Collieries, or in the working and getting of Coal, in the United Kingdom of* Great Britain *and* Ireland, *and for extending the Provisions of the said Acts to* Scotland *and* Ireland, as did extend to *Scotland* and *Ireland* any of the provisions of the Acts intended to be repealed by the said recited Act of the last session of Parliament; and all enactments in any other statutes or Acts which immediately before the passing of the said recited Act of the last session of Parliament, were in force throughout or in any part of the United Kingdom of *Great Britain* and *Ireland*, relative to combinations to obtain an advance of wages, or to lessen or alter the hours or duration of the time of working, or to decrease the quantity of work, or to regulate or controul the mode of carrying on any manufacture, trade, or business, or the management thereof, or relative to combinations to lower the rate of wages, or to increase or alter the hours or duration of the time of working, or to increase the quantity of work, or to regulate or controul the mode of carrying on any manufacture, trade, or business, or the management thereof, or relative to fixing the amount of the wages of labour, or relative to the obliging workmen not hired to enter into work, and every enactment enforcing or extending the application of any of the said several enactments so repealed, shall notwithstanding the repeal of the said recited Act of the last session of Parliament, still be and remain repealed, except only so far as the same or any of them may have repealed any former Act or enactment.

43 G. 3. c. 86. in part.

47 G. 3. § 1. c. 43.

57 G. 3. c. 122. in part.

And all Acts relative to Combination of Workmen or Masters as to Wages, Time of Working, or Quantity of Work, &c.

Penalty on Persons compelling Journeymen to leave their Employment, or to return Work unfinished;

III. And be it further enacted, That from and after the passing of this Act, if any person shall by violence to the person or property, or by threats or intimidation, or by molesting or in any way obstructing another, force or endeavour to force any journeyman, manufacturer, workman, or

No. XXV. 6 Geo. IV. c. 129.

other person hired or employed in any manufacture, trade, or business, to depart from his hiring, employment, or work, or to return his work before the same shall be finished, or prevent or endeavour to prevent any journeyman, manufacturer, workman, or other person not being hired or employed from hiring himself to, or from accepting work or employment from any person or persons; or if any person shall use or employ violence to the person or property of another, or threats or intimidation, or shall molest or in any way obstruct another for the purpose of forcing or inducing such person to belong to any club or association, or to contribute to any common fund, or to pay any fine or penalty, or on account of his not belonging to any particular club or association, or not having contributed or having refused to contribute to any common fund, or to pay any fine or penalty, or on account of his not having complied or of his refusing to comply with any rules, orders, resolutions, or regulations made to obtain an advance or to reduce the rate of wages, or to lessen or alter the hours of working, or to decrease or alter the quantity of work, or to regulate the mode of carrying on any manufacture, trade, or business, or the management thereof; or if any person shall by violence to the person or property of another, or by threats or intimidation, or by molesting or in any way obstructing another, force or endeavour to force any manufacturer or person carrying on any trade or business, to make any alteration in his mode of regulating, managing, conducting, or carrying on such manufacture, trade, or business, or to limit the number of his apprentices, or the number or description of his journeymen, workmen, or servants; every person so offending, or aiding, abetting, or assisting therein, being convicted thereof in manner herein-after mentioned, shall be imprisoned only, or shall and may be imprisoned and kept to hard labour, for any time not exceeding three calendar months.

or preventing their Hiring themselves; or compelling them to belong to Clubs, &c.; or to pay any Fines, for not having complied with Orders as to Wages; or compelling any Manufacturer, &c., to alter his Mode of carrying on Business,

Imprisonment, or Imprisonment with Hard Labour for Three Months.

IV. Provided always, and be it enacted, That this Act shall not extend to subject any persons to punishment, who shall meet together for the sole purpose of consulting upon and determining the rate of wages or prices, which the persons present at such meeting or any of them, shall require or demand for his or their work, or the hours or time for which he or they shall work in any manufacture, trade, or business, or who shall enter into any agreement, verbal or written, among themselves, for the purpose of fixing the rate of wages or prices which the parties entering into such agreement, or any of them, shall require or demand for his or their work, or the hours of time for which he or they will work, in any manufacture, trade, or business; and that persons so meeting for the purposes aforesaid, or entering into any such agreement as aforesaid, shall not be liable to any prosecution or penalty for so doing; any law or statute to the contrary notwithstanding.

Not to affect Meetings for settling Rates of Wages to be received, or Hours of Work to be employed by the Persons meeting.

V. Provided also, and be it further enacted, That this Act shall not extend to subject any persons to punishment who shall meet together for the sole purpose of consulting upon and determining the rate of wages or prices which the person present at such meeting, or any of them, shall pay to his or their journeymen, workmen, or servants, for their work, or the hours or time of working in any manufacture, trade, or business, or who shall enter into any agreement, verbal or written, among themselves, for the purpose of fixing the rate of wages or prices, which the parties entering into such agreement, or any of them, shall pay to his or their journeymen, workmen, or servants, for their work, or the hours or time of working in any manufacture, trade, or business; and that persons so meeting for the purposes aforesaid, or entering into any such agreement as aforesaid, shall not be liable to any prosecution or penalty for so doing, any law or statute to the contrary notwithstanding.

Not to affect Meetings for Rates of Wages, &c., to be paid by Masters to Journeymen, &c.

VI. And be it further enacted, That all and every persons and person who shall or may offend against this Act, shall and may, equally with all other persons, be called upon and compelled to give his or her testimony and evidence as a witness or witnesses on behalf of his Majesty, or of the prosecutor or informer, upon any information to be made or exhibited under this Act, against any other person or persons not being such witness or witnesses as aforesaid; and that in all such cases every person

Offenders compelled to give Evidence.

Indemnified.

No. XXV. 6 Geo. IV. c. 129.

having given his or her testimony or evidence as aforesaid, shall be and is hereby indemnified of, from, and against any information to be laid, or prosecution to be commenced against him or her, for having offended in the matter wherein or relative to which he, she, or they shall have given testimony or evidence as aforesaid.

Justices may summon Offenders.

VII. And for the more effectually enforcing and carrying into execution the provisions of this Act; be it further enacted, That on complaint and information on oath before any one or more justice or justices of the peace, of any offence having been committed against this Act, within his or their respective jurisdictions, and within six calendar months before such complaint or information shall be made, such justice or justices are hereby authorized and required to summon the person or persons charged with being an offender or offenders against this Act, to appear before any two such justices, at a certain time or place to be specified; and if any person or persons so summoned shall not appear according to such summons, then such justices (proof on oath having been first made before them of the due service of such summons upon such person or persons, by delivering the same to him or them personally, or leaving the same at his or their usual place of abode, provided the same shall be so left twenty-four hours at the least before the time which shall be appointed to attend the said justices upon such summons,) shall make and issue their warrant or warrants for apprehending the person or persons so summoned, and not appearing as aforesaid, and bringing him or them before such justices; or it shall be lawful for such justices, if they shall think fit, without issuing any previous summons, and instead of issuing the same, upon such complaint and information as aforesaid, to make and issue their warrant or warrants for apprehending the person or persons by such information charged to have offended against this Act, and bringing him or them before such justices; and upon the person or persons complained against appearing upon such summons, or being brought by virtue of such warrant or warrants before such justices, or upon proof on oath of such person or persons absconding, so that such warrant or warrants cannot be executed, then such justices shall and they are hereby authorized and required forthwith to make inquiry touching the matters complained of, and to examine into the same by the oath or oaths of any one or more credible person or persons as shall be requisite, and to hear and determine the matter of every such complaint; and upon confession by the party, or proof by one or more credible witness or witnesses upon oath, to convict or acquit the party or parties against whom complaint shall have been made as aforesaid.

Not appearing, Warrants may be issued.

On their Appearance, or Proof of absconding.

Proceedings.

Justices may summon Witnesses.

VIII. And be it further enacted, That it shall be lawful for the justices of the peace before whom any such complaint and information shall be made as aforesaid, and they are hereby authorized and required, at the request in writing of any of the parties, to issue his or their summons to any witness or witnesses to appear and give evidence before such justices, at the time and place appointed for hearing and determining such complaint, and which time and place shall be specified in such summons; and if any person or persons so summoned to appear as a witness or witnesses as aforesaid, shall not appear before such justices, at the time and place specified in such summons, or offer some reasonable excuse for the default, or appearing according to such summons, shall not submit to be examined as a witness or witnesses, and give his or their evidence before such justices, touching the matter of such complaint, then and in every such case it shall be lawful for such justices, and they are hereby authorized (proof on oath, in the case of any person not appearing according to such summons, having been first made before such justices of the peace, of the due service of such summons on every such person, by delivering the same to him or her, or by leaving the same twenty-four hours before the time appointed for such person to appear before such justices, at the usual place of abode of such person), by warrant under the hands of such justices, to commit such person or persons so making default in appearing, or appearing and refusing to give evidence, to some prison within the jurisdiction of such justices, there to remain without bail or mainprize,

Non-appearance, &c.

Proceedings.

for three calendar months, or until such person or persons shall submit to be examined and give evidence before such justices as aforesaid.

IX. And be it further enacted, That the justices before whom any person or persons shall be convicted of any offence against this Act, or by whom any person shall be committed to prison for not appearing as a witness, or not submitting to be examined, shall cause all such convictions, and the warrants or orders for such commitments, to be drawn up in the form or to the effect set forth in the schedule to this Act annexed.

Form of Convictions and Commitments, set forth in Schedule annexed.

X. And be it further enacted, That the justices before whom any such conviction shall be had, shall cause the same (drawn up in the form or to the effect herein-before directed) to be fairly written on parchment, and transmitted to the next general sessions or general quarter sessions of the peace to be holden for the county, riding, division, city, liberty, town, or place wherein such conviction was had, to be filed amongst the records of the said general sessions or general quarter sessions; and in case any person or persons shall appeal, in manner herein-after mentioned, from the judgment of the said justices, to the said general sessions or general quarter sessions, the justices in such general sessions or general quarter sessions are hereby required, upon receiving such conviction, to proceed to the hearing and determination of the matter of the said appeal, according to the directions of this Act.

Convictions to be transmitted to the next General or Quarter Sessions to be filed.

XI. Provided always, and be it enacted, That in *Scotland* all prosecutions under this Act may be insisted on at the instance of the public prosecutor, and may be judged of, either by two justices of the peace, or by the sheriff of the county within which the offence may have been committed.

Proceedings under this Act in Scotland.

XII. Provided always, and be it further enacted, That if any person convicted of any offence or offences punishable by this Act, shall think himself or herself aggrieved by the judgment of such justices, before whom he or she shall have been convicted, such person shall have liberty to appeal from every such conviction to the next court of general sessions or general quarter sessions of the peace which shall be held for the county, riding, division, city, liberty, town, or place wherein such offence was committed; and that the execution of every judgment so appealed from shall be suspended, in case the person so convicted shall immediately enter into recognizances before such justices (which they are hereby authorized and required to take) himself in the penal sum of ten pounds, with two sufficient sureties in the penal sum of ten pounds of lawful money of *Great Britain*, upon condition to prosecute such appeal with effect, and to be forthcoming to abide the judgment and determination of the said next general sessions or general quarter sessions, and to pay such costs as the said court shall award on such occasion; and the justices in the said next court of general sessions or general quarter sessions are hereby authorized and required to hear and determine the matter of the said appeal, and to award such costs as to them shall appear just and reasonable, to be paid by either party, which decision shall be final; and if upon hearing the said appeal, the judgment of the justices before whom the appellant shall have been convicted shall be affirmed, such appellant shall immediately be committed by the said court to the common gaol or house of correction, without bail or mainprize, according to such conviction, and for the space of time therein mentioned.

Persons thinking themselves aggrieved may appeal to the General Quarter Sessions.

XIII. Provided also, and be it further enacted, That no justice of the peace, being also a master in the particular trade or manufacture, in or concerning which any offence is charged to have been committed under this Act, shall act as such justice under this Act.

No Master to Act as Justice.

SCHEDULE to which this Act refers.

Form of Conviction and Commitment.

BE it remembered, That on the day of in the year of his Majesty's reign, and in the year of our Lord *A. B.*

No. XXV. 6 Geo. IV. c. 129.

is convicted before us (*naming the justices*) two of his Majesty's justices of the peace for the county, [*or* riding, division, city, liberty, town, or place,] of of having [*stating the offence*] contrary to the Act made in the sixth year of the reign of King *George* the Fourth, intituled *An Act* [*here set forth the title of this Act*]; and we the said justices do hereby order and adjudge the said *A. B.* for the said offence to be committed to and confined in the common gaol for the said county, [*or* riding, division, city, liberty, town, or place,] for the space of *or* to be committed to the house of correction at within the said county, [*or* riding, division, city, liberty, town, or place,] there to be kept to hard labour for the space of Given under our hands, the day and year above written.

Form of Commitment of a person summoned as a Witness.

WHEREAS *C. D.* hath been duly summoned to appear and give evidence before us [*naming the justices who issued the summons*] two of his Majesty's justices of the peace for the county [*or* riding, division, city, liberty, town, or place,] of on this day of at being the time and place appointed for hearing and determining the complaint made by [*the informer or prosecutor*] before us, against *A. B.* of having [*stating the offence as laid in the information*] contrary to the Act made in the sixth year of the reign of King *George* the Fourth, intituled *An Act* [*here insert the title of this Act*]: And whereas the said *C. D.* hath not appeared before us, at the time and place aforesaid, specified for that purpose, or offered any reasonable excuse for his [*or* her] default, [*or* And whereas the said *C. D.* having appeared before us, at the time and place aforesaid, specified for that purpose, hath not submitted to be examined as a witness and give his [*or* her] evidence before us touching the matter of the said complaint, but hath refused so to do]; therefore we, the said justices, do hereby in pursuance of the said statute commit the said *C. D.* to the [*describing the prison*], there to remain without bail or mainprize, for his [*or* her] contempt aforesaid, for three calendar months, or until he [*or* she] shall submit himself [*or* herself] to be examined, and give his [*or* her] evidence before us, touching the matter of the said complaint, or shall otherwise be discharged by due course of law: And you the [*constable or other peace officer or officers to whom the warrant is directed*] are hereby authorized and required to take into your custody the body of the said *C. D.* and him [*or* her] safely to convey to the said prison, and him [*or* her] there to deliver to the gaoler or keeper thereof, who is hereby authorized and required to receive into his custody the body of the said *C. D.* and him [*or* her] safely to detain and keep, pursuant to this commitment. Given under our hands, this day of in the year of our Lord

[This commitment to be directed to the proper peace officer, and the gaoler or keeper of the prison.]

[No. XXVI.] 10 George IV. c. 51.—An Act to amend the Law relating to the Employment of Children in Cotton Mills and Factories.—[19th *June* 1829.]

No. XXVI. 10 Geo. IV. c. 51.

6 G. 4. c. 63.

WHEREAS an Act was passed in the sixth year of his present Majesty King *George* the Fourth, intituled *An Act to make further provisions for the Regulation of Cotton Mills and Factories, and for the better Preservation of the Health of young Persons employed therein*: And whereas the provisions of the said Act have been defeated and set aside for want of form; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act it shall not be

In Informations under recited Act the Names of all the Partners not required to be inserted.

deemed necessary in any information summons or warrant issued in pursuance of the said recited Act, to set forth the name or other designation of each and every the partners in any cotton mill or factory, but that it shall be lawful to insert in such information, summons, or warrant, the name of the ostensible proprietor or title of the firm by which the proprietor or proprietors of any such mill or factory are usually designated and known. No. XXVI. 10 Geo. IV. c. 51.

II. And be it further enacted, That the service of such summons or warrant on any principal manager, conductor, or clerk of any cotton mill or factory, during the usual hours of working such cotton mill or factory, shall be good and lawful service. Service of Summons.

III. And be it further enacted, That that no information filed, nor any summons or warrant served, as directed by the said recited Act or by this Act, shall be quashed for informality or want of form. Not to be quashed for Informality.

[No. XXVII.] 10 George IV. c. 52.—An Act to extend the Powers of an Act of the Fourth Year of His present Majesty, for enlarging the Powers of Justices in determining Complaints between Masters and Servants, to Persons engaged in the Manufacture of Silk.—[19th *June* 1829.]

No. XXVII. 10 Geo. IV. c. 52. 4 G. 4. c. 34.

WHEREAS an Act was passed in the fourth year of the reign of his present Majesty, intituled *An Act to enlarge the Power of Justices in determining Complaints between Masters and Servants, and between Masters, Apprentices, Artificers, and others*: And whereas it is expedient to extend the operation of the said Act; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That all the provisions of the said Act shall be extended to all persons engaged, whether as masters, servants, apprentices, or otherwise, in the several manufactures trades and occupations mentioned in an Act passed in the seventeenth year of the reign of his late Majesty King *George* the Third, intituled *An Act for amending and rendering more effectual the several Laws now in being for the more effectual preventing of Frauds and Abuses by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk Manufactures, and also for making provisions to prevent Frauds by Journeymen Dyers*, in the same Manner as if such persons had been specially mentioned therein. Recited Act extended to all Persons engaged in the Manufactures mentioned in 17 G. 3. c. 56.

Part VI.—Class XXXII.

SESSIONS.

[No. I.] 2 Henry V. stat. 1. c. 4.—What Justices of the Peace must be resident in the same Shire; and at what Times they must hold their Quarter Sessions.

No. I.
2 Henry V. stat. 1. c. 4.

What justices of peace and Quorum must be resiant in the same shire, what not.

At what times justices of the peace shall hold their quarter sessions.

Twice in the year sufficient in Middlesex by 14 H. 6. c. 4.

Justices of peace may examine labourers.

II. 'AND that the justices of the peace in every shire named of the *Quorum*, be resiant within the same shire, except lords named 'in the commission of the peace; and also except justices of the one 'bench, and of the other, the Chief Baron of the *Exchequer*, Serjeants at 'the law, and the King's Attorney, for the time that the same justices, 'Chief Baron, Serjeants at the law, and the King's Attorney, be intending 'and occupied in the King's Courts, or otherwise in some other place oc- 'cupied in the King's service; and make their sessions four times by the 'year, that is to say, In the first week after the Feast of Saint *Michael*, 'and in the first week after the *Epiphany*, and in the first week after the 'clause of *Easter*, and in the first week after the Translation of Saint 'Thomas the Martyr, and more often, if need be. And that the same 'justices hold their sessions throughout the realm of *England* in the same 'weeks every year from henceforth. And also that the justices of peace 'from henceforth have power to examine as well all manner of labourers, 'servants, and their masters, as artificers, by their oaths, of all things by 'them done contrary to the said ordinances and statutes, and upon that 'to punish them upon their confession, after the effect of the statutes and 'ordinances aforesaid, as though they were convict by inquest. And that 'the sheriff in every shire of the realm of *England* shall do well and duly 'his office in this behalf, upon pain to lose and to forfeit to our Lord the 'King twenty pounds.'

[No. II.] 54 George III. c. 84.—An Act for regulating the Time of holding the *Michaelmas* Quarter Sessions in *England*. [1*st July* 1814.]

No. II.
54 Geo. III. c. 84.

When Michaelmas quarter sessions shall be held, in counties in England.

'WHEREAS the time now appointed for holding the quarter sessions 'for the *Michaelmas* quarter might be altered, so as to render the 'attendance at the same more generally convenient than it is at present;' Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act, the quarter sessions for the *Michaelmas* quarter shall in every year be holden, for every county, riding, division, city, borough and place, within *England* and *Wales*, and for *Berwick-upon-Tweed*, in the first week after the eleventh day of *October*, instead of at the time now appointed for holding the same: And that all acts, matters and things, done, performed and transacted, at the time appointed by this Act for holding the said *Michaelmas* quarter sessions, shall be as valid and binding to all intents and purposes as if the same had

No. II. 54 Geo. III. c. 84.

been done, performed and transacted, at the time heretofore appointed for the holding of such sessions; any former Act or Acts to the contrary notwithstanding.

Except London and Middlesex.

II. Provided always, That nothing in this Act shall extend or be construed to extend, so as to alter or vary the time at which the sessions for *London* or *Middlesex* are now holden.

[No. III.] 59 George III. c. 28.—An Act to empower Magistrates to divide the Court of Quarter Sessions.—[19*th May* 1819.]

No. III. 59 Geo. III. c. 28.

WHEREAS the courts of quarter session, by reason of the great increase of business therein, have of late been occupied during many days, to the great delay of suitors, to the inconvenience of witnesses and jurors, and to the increase of the county rates; and such inconvenience is likely to continue unless some remedy be provided for the same: And whereas it would tend materially to remedy this inconvenience, if two or more of the justices attending the quarter sessions, should be enabled to sit and proceed, when occasion should so require, while other justices should proceed in the dispatch of the other business of the same court: Be it therefore declared and enacted by the king's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That whenever and as often as any court of quarter session or general session of the peace shall be assembled for the dispatch of business thereunto belonging, the justices then present may on the first day of their being so assembled, take into their consideration the state of the business likely to be brought before them at such quarter session or general session; and if it shall appear to them that such business, if heard and determined by the whole court, is likely to occupy more than three days, including the day of their being so assembled, it shall and may be lawful for the said justices to appoint two or more justices, one of whom shall be of the quorum, to sit apart from themselves in some place in or near the court, there to hear and determine such business as shall be referred to them, whilst others of the justices are at the same time proceeding in the dispatch of the other business of the same court; and that the proceedings so had by and before such two or more justices so sitting apart shall be as good and effectual in the law to all intents and purposes as if the same were had before the court assembled and sitting as usual in its ordinary place of sitting, and shall be inrolled and recorded accordingly.

Courts of quarter sessions or general sessions of the peace may appoint two or more justices to form a court to sit apart from them.

II. Provided always, and be it further enacted, That when two or more justices shall have sat apart in manner before directed by this Act, and orders, rules, and regulations shall have been made for the apportionment of business, such orders, rules, and regulations shall remain and continue in force as long as shall be thought expedient without the necessity of renewing such orders, rules, and regulations at each succeeding session, to the intent that the same may become public and better known to all professional and other persons engaged in or in any manner interested in the business of such quarter session.

Regulations made for the apportionment of business need not be renewed at each succeeding session.

III. And be it further enacted, That the clerk of the peace or his deputy (wherever two or more justices shall sit apart at any quarter session) shall be authorized and required to appoint a fit and sufficient person to record the proceedings so had before the justices sitting apart; and such proceedings shall be delivered over to the clerk of the peace, or his deputy, and shall be equally deemed to be a part of the records of such session, as if the same proceedings had been recorded by the clerk of the peace himself; and it shall be lawful for the justices assembled at the quarter session to make an order upon the treasurer of the county to pay to the clerk of the peace such sum or sums of money as they shall deem a fit and reasonable remuneration to the clerk of the peace for such purpose as aforesaid; and it shall be lawful for such justices to appoint an additional cryer, and to grant him such remuneration for his care and pains as they shall deem reasonable, which shall in like manner be paid by the treasurer of the county,

Clerk of the peace to appoint a person to record the proceedings of such separate court.

[No. IV.] 1 Geo. IV. c. 27.—An Act to Regulate the Appointment and Tenure of the Office of Clerk of the Peace in Ireland.—[30*th June* 1820.]

[No. V.] 1 and 2 George IV. c. 36.—An Act for the better Regulation of the Public Notaries in *Ireland*.—[28*th May* 1821.]

No. V. 1 & 2 G. IV. c. 36.

WHEREAS it is expedient to prevent illiterate and inexperienced persons being admitted or acting as public notaries in *Ireland:* Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the first day of *July* one thousand eight hundred and twenty-one, no person in *Ireland* shall act as a public notary, or use and exercise the office of a notary, or do any notarial Act, unless such person shall have been duly sworn, admitted, and enrolled, in manner hereinafter directed, in the court wherein notaries have been accustomarily sworn, admitted, and enrolled.

Public notaries to be duly admitted.

II. And be it further enacted, That from and after the said first day of *July*, no person shall be sworn, admitted, and enrolled as a public notary, unless such person shall have been bound by contract in writing, or by indenture of apprenticeship, to serve as a clerk or apprentice for and during the space of not less than seven years to a public notary duly sworn, admitted, and enrolled, and for and during the said term of seven years shall have continued in such service; and also unless every such person, who shall from and after the said first day of *July* be bound by contract in writing, or indenture of apprenticeship, to serve as a clerk or apprentice to any public notary, shall within three months next after the date of every such contract or indenture of apprenticeship, cause an affidavit to be made and duly sworn by one of the subscribing witnesses, of the actual execution of every such contract or indenture of apprenticeship by such public notary, and by the person so to be bound to serve as a clerk or apprentice as aforesaid; and in every such affidavit shall be specified the names of such public notary, and of such person so bound, and their places of abode respectively, together with the day of the date of such contract or indenture of apprenticeship; and every such affidavit shall be sworn and filed within the time aforesaid, in the court where the public notary to whom every such person respectively shall be bound as aforesaid, shall have been enrolled as a notary, with the proper officer or officers, or his or their respective deputy or deputies, who shall make or sign a memorandum of the day of filing every such affidavit on the back or at the bottom of such contract or indenture.

No person shall be admitted unless he shall have served as an apprentice for seven years; and if bound after July 1, unless affidavit of certain particulars be made, which shall be enrolled in the proper court.

III. And be it further enacted, That no person who shall after the said first day of *July* become bound as aforesaid, shall be admitted or enrolled a public notary in the Court of Faculties for admitting and enrolling public notaries, before such affidavit shall be produced and openly read in such court, at the time of such person's admission and enrolment.

No person bound after July 1, shall be admitted to the Court of Faculties before such affidavit shall be openly read in court.

IV. Provided always, and be it further enacted, That if any person shall have been before the said first day of *July* bound by contract in writing, or indenture of apprenticeship, to serve as a clerk or apprentice to a public notary, duly sworn, admitted, and inrolled, for a term less than seven years, it shall be lawful for the parties to such contract, by a further contract in writing duly executed by them, to enlarge the time of such service, and extend the same to the full term of seven years from the time of the original contract; and such person having actually served during the full term of seven years shall be entitled to be admitted and inrolled a public notary, in the same manner as he would have been entitled if the original contract had been for the term of seven years; the facts of such contracts, and of such service for the full term of seven years, being proved by affidavit to the satisfaction of the said Court of Faculties.

But if bound before July 1, for a less time term than seven years, another contract may be entered into for enlarging the time to seven years.

No. V. 1 & 2 G. IV. c. 36.

V. And be it further enacted, That the following persons shall be deemed and taken to be the proper officers for taking and filing such affidavits; (that is to say), the Lord Archbishop of *Armagh*, his commissary or commissioners for the time being.

Officers for taking and filing affidavits.

Officers filing affidavits to enter the substance in a book.

VI. And be it further enacted, That the officer filing such affidavits as aforesaid, shall keep a book wherein shall be entered the substance of such affidavit, specifying the names and places of abode of every such public notary and clerk, or person bound as aforesaid, and of the person making such affidavit, with the date of the contract or indenture of apprenticeship in such affidavit to be mentioned, and the days of swearing and filing every such affidavit respectively; and such officer shall be at liberty to take, at the time of filing every such affidavit, the sum of five shillings, and no more, as a recompence for his trouble in filing such affidavit; and which book shall and may be searched in office hours by any person or persons whomsoever, upon payment of one shilling for such search.

Fee for filing, 5*s*.

Book may be searched on paying 1*s*.

VII. And be it further enacted, That from and after the said first day of *July* no public notary shall take, have, or retain any clerk or apprentice, who shall become bound as aforesaid, after such public notary shall have discontinued or left off, or during such time as he shall not actually practise or carry on the business of a public notary.

No public notary to have any apprentice but while he shall actually practise.

VIII. And be it further enacted, That every person who shall, from and after the said first day of *July*, become bound by contract in writing or indenture of apprenticeship to serve any public notary, as hereby directed, shall, during the whole time and term of service to be specified in such contract or indenture of apprenticeship, or during the time and space of seven years thereof at least (if bound for a longer term than seven years), continue and be actually employed by such public notary in the proper business, practice, or employment of a public notary.

Apprentice to be actually employed seven years in the business.

IX. Provided always, and be it further enacted, That if any such public notary, to or with whom any such person shall be bound, shall happen to die before the expiration of such term, or shall discontinue or leave off such his practice as aforesaid; or if such contract or indenture of apprenticeship shall, by mutual consent of the parties, be cancelled; or in case such clerk or apprentice shall be legally discharged before the expiration of such term, and such clerk or apprentice shall in any of the said cases be bound by another contract or contracts, indenture or indentures in writing, to serve, and shall accordingly serve, in manner hereinbefore mentioned, as clerk or apprentice to any such public notary as aforesaid, during the residue of the said term of seven years, then such service shall be deemed and taken to be as good, effectual, and available, as if such clerk or apprentice had continued to serve as a clerk or apprentice for the said term of seven years to the same person to whom he was originally bound, so as an affidavit be duly made and filed of the execution of such second or other contract or contracts, within the time and in like manner as is hereinbefore directed concerning such original contract.

Service of residue of seven years with other masters effectual.

X. And be it further enacted, That every person who, from and after the said first day of *July*, shall become bound as clerk or apprentice as aforesaid, shall, before he be admitted and enrolled a public notary according to this Act, make before and file with the proper officer hereinbefore for that purpose mentioned, that he hath actually and really served and been employed by such practising public notary or notaries to whom he shall have been bound as aforesaid, during the whole term of seven years, according to the true intent and meaning of this Act.

Apprentices bound after July 1, before admission, to file affidavits that they have really served seven years.

XI. And be it further enacted, That from and after the said first day of *July*, if any public notary shall act as such, or permit or suffer his name to be in any manner used, for or on account or for the profit and benefit of any person or persons not entitled to act as a public notary, and complaint shall be made in a summary way to the Court of Faculties wherein he hath been admitted and enrolled, and proof made upon oath to the satisfaction of the said court, that such notary hath offended therein as aforesaid, then and in such case, every such notary so offending shall be struck off the roll of faculties, and be for ever after disabled from practising as a public notary, or doing any notarial act, save and except as to any allowance or allowances, sum or sums of money, that are or shall be agreed to be made or

If any notary shall act as such, or permit his name to be used for the profit of any person not entitled to act as a notary, he shall be struck off the roll.

paid to the widows or children of any deceased public notary or notaries, by any surviving partner or partners of such deceased notary or notaries.

XII. And be it further enacted, That from and after the said first day of *July*, in case any person shall in his own name, or in the name of any other person, make, do, act, exercise, or execute and perform any act, matter, or thing whatsoever, in anywise appertaining or belonging to the office, function, and practice of a public notary, for or in expectation of any gain, fee, or reward, without being admitted and enrolled, every such person for every such offence shall forfeit and pay the sum of fifty pounds, to be sued for and recovered in manner hereinafter mentioned.

Penalty on person acting as notary without being admitted, 50*l.*

XIII. Provided always, and be it further enacted, That this Act, or any thing herein contained, shall not be taken or construed to exclude any person from being sworn, admitted and enrolled a public notary, in the accustomable court aforesaid, who hath on or before the first day of *July* been bound, by contract in writing or indenture of apprenticeship, to serve as a clerk or apprentice to any public notary, for the term not less than seven years, notwithstanding that such term of seven years shall not expire till after the said first day of *July*; and provided that such clerk or apprentice shall actually serve for the remainder of the term of seven years: Provided always, that an affidavit shall be previously made and filed, in manner hereinbefore directed, of such actual service, of any term not less than seven years, to any such qualified notary; and every such person may, after the expiration of such term of seven years, and affidavit of such service having been previously made and filed as before directed, be sworn, admitted, enrolled to be a public notary, in the same manner as persons to be admitted, sworn, and enrolled public notaries, are hereby required to be sworn, admitted, and enrolled respectively; any thing in this Act contained to the contrary notwithstanding.

Act not to exclude any person from admission who hath been bound on or before July 1, for seven years to any notary, or any person who has actually served as clerk or apprentice seven years, though not bound by contract, &c.

XIV. Provided nevertheless, and it is hereby enacted, That nothing in this Act contained shall extend or be construed to extend to any proctor in any ecclesiastical court in *Ireland*, nor to any secretary or secretaries, to any bishop or bishops merely practising as such secretary or secretaries, or to any other person or persons necessarily created a notary public for the purpose of holding or exercising any office or appointment, or occasionally performing any public duty or service under government, or created a public notary for practising within a limited district, and not as general practitioner or practitioners; any thing hereinbefore contained to the contrary notwithstanding: Provided always, that nothing herein contained shall exempt or be construed to exempt any proctor, being also a public notary, or any person created a public notary for practising within a limited district only, from the pains, penalties, forfeitures, and disabilities by this Act imposed upon any public notary who shall permit or suffer his name to be in any manner used for or on account or for the profit and benefit of any person or persons not entitled to act as a public notary.

Act not to extend to proctors in ecclesiastical courts, secretaries to bishops, &c.

XV. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any person, who on or before the passing of this Act shall have been duly admitted as a public notary, from acting as a public notary, or using or exercising the office of a notary, or doing any notarial acts whatever, as fully as if such notary had been admitted, sworn, and enrolled pursuant to the regulations and provisions of this Act.

Nor to persons who, on or before passing this Act, have been admitted as notaries.

XVI. And be it further enacted, That all pecuniary forfeitures and penalties imposed on any person or persons for offences committed against this Act, shall and may be sued for and recovered in any of his Majesty's Courts of Record at *Dublin*, by action of debt, bill, plaint, or information, where no essoign, protection, privilege, wager of law, or more than one imparlance shall be allowed, and wherein the plaintiff, or if he or she shall recover any penalty or penalties, shall recover the same for his or her own use, with full costs of suit.

Recovery and application of penalties.

XVII. And be it further enacted, That if any action or suit shall be brought or commenced for any thing done in pursuance of this Act, every such action or suit shall be commenced within three calendar months next after the fact committed, and not afterwards, and shall be laid and tried

Limitation of Actions.

No. V. 1&2 Geo. IV. c. 36.

in the county wherein the cause of action shall have arisen, and not elsewhere; and the defendant or defendants in such action or suit shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and if the same shall appear to have been so done, or if any action or suit shall be brought after the time limited for bringing the same, or shall be laid in any other county, or place than as aforesaid, then the jury shall find for the defendant or defendants; and upon such verdict, or if the plaintiff or plaintiffs shall be nonsuited, or suffer a discontinuance of his, her, or their action or suit after the defendant or defendants shall have appeared, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and shall have such remedy for the same, as any defendant or defendants hath or have for costs of suit in any other case by law.

General issue.

Treble costs.

Public Act.

XVIII. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a public Act, and shall be judicially taken notice of as such by all judges, justices, and other persons whomsoever, without specially pleading the same.

[No. VI.] 7 & 8 George IV. c. 67.—An Act for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in *Ireland*.—[2d *July* 1827.]

No. VI. 7&8 Geo. IV. c. 67.

WHEREAS the holding of petty sessions by justices of the peace in *Ireland* has been found conducive to a better administration of the laws, and to the general interests of his Majesty's subjects within that part of the United Kingdom: And whereas it is expedient to afford additional facilities for holding such petty sessions, and for securing a uniform and effectual mode of procedure therein: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the justices of the peace, save and except within the county of *Cork*, within their respective jurisdictions, at the *January* sessions to be holden next after the passing of this Act, to divide the county, county of a city, or county of a town, for which such sessions shall be holden, into such districts, for the purposes of this Act, as to them shall seem most expedient, fixing within every such district a place or places wherein the petty sessions shall be holden for such districts respectively.

Counties, Cities, &c., divided into Districts for holding Petty Sessions.

II. And whereas in certain parts of *Ireland* it may not be practicable to procure the constant attendance of a sufficient number of justices of the peace to constitute petty sessions; be it enacted, That in case the justices of the peace of any county so assembled shall be of opinion that any part of such county ought not to be included in any district for the purposes of this Act, it shall and may be lawful for such justices to make an order to that effect, and then and in such case the provisions of this Act shall not extend to such part or parts of any county as shall in such order be declared not to be included in any district.

Part of any County may not be included in any District.

III. And be it further enacted, That an order in writing shall be made by the said courts of quarter sessions assembled as aforesaid, specifying the boundaries of each and every such district, and of every part or parts of any county which shall not be included in any district, and the names of every place fixed for the holding of petty sessions; which order shall be entered in the crown book by the respective clerks of the peace, and a certified copy of such order transmitted by such clerk of the peace to the respective secretaries to the grand juries, and shall be laid before the several grand juries at the spring assizes then next ensuing, and in the county of *Dublin* at the next ensuing presenting term, and shall be printed with the presentments granted at such spring assizes.

Extent of District, and Place fixed for holding Petty Sessions, to be entered in the Crown Books, and certified to the Secretaries of Grand Juries.

IV. Provided always, That in case at any *October* quarter sessions, after the first of *January* in the year one thousand eight hundred and twenty-eight, application in writing, in manner and form as in the schedule to this Act is set forth, under the hands and seals of five or more justices of the peace, or of three or more justices within any local jurisdiction, be made to the justices assembled, praying an alteration of any such district or petty sessions, or of the place or places wherein such petty sessions are holden, it shall and may be lawful to and for the said justices, within their respective jurisdictions respectively, save and except in the county of *Cork*, at the *January* sessions then next ensuing, to consider such application, and to make such order thereon respecting the alteration applied for as shall to such justices seem expedient, entering such order in the crown book, and transmitting the same to the respective secretaries to the grand juries, to be by them printed with the presentments as aforesaid: Provided always, whenever any such application shall be made at any *October* quarter sessions as aforesaid, that the clerks of the peace respectively shall give notice thereof, by affixing a copy of such application upon the court house doors within their several jurisdictions, and by advertising the same in like manner as such clerks of the peace are now required to advertise the time and place at which the courts of quarter sessions, or adjournments thereof, are to be holden.

Justices may alter District and Place for holding Petty Sessions.

Notice to be given of Applications for Alteration.

V. And whereas by an Act passed in the fourth year of his present Majesty's reign, intituled *An Act to divide the County of* Cork, *for the purpose of holding additional Sessions therein*, the said county is divided into two parts; be it enacted, That for the purposes of carrying the present Act into execution within the said county, by dividing the said county into districts for the holding of petty sessions, and fixing the places wherein such petty sessions shall be holden, or making any alterations therein, the several Acts hereby directed to be done by the justices of the peace at the *January* quarter sessions, shall in the county of *Cork* be performed at a general meeting of magistrates of the said county to be held in the city of *Cork* on the second day of the summer assizes next after the passing of this Act, or next after the serving any such notice at the *October* quarter sessions as aforesaid.

When the Act shall be carried into Execution in the County of Cork.

VI. And whereas for the due execution of justice on the borders of adjoining counties it has been found expedient to appoint some persons to be justices of the peace for two or more counties, and such justices have hitherto held petty sessions of the peace at some convenient place of one county on the borders of some other county or counties, and it might be attended with considerable inconvenience if such practice should be discontinued; be it therefore enacted, That it shall be lawful for the justices of the peace acting within any county, county of a city, or county of a town, in the execution of this Act, to appropriate any district of any such county adjoining any other county as part of a district of such adjoining county, wherein petty sessions shall be holden in pursuance of this Act, at such place as shall have been or shall be fixed for that purpose in pursuance of this Act, such place not being at a greater distance than five miles from any part of the district in a different county to be annexed as aforesaid, and such annexation being made in the same manner as the appropriation of any district for the purpose of holding petty sessions of the peace is directed to be made by this Act; and such appropriation shall be entered and certified in the same manner as the several other districts within the same county are required to be entered and certified by this Act; and all other proceedings shall be had respecting such district as by this Act are provided concerning any other district within such county; and such appropriation shall also be certified to the court of quarter sessions for the county to or district of which such part of another county shall be so appropriated, and all proceedings shall be had thereupon as if such part of a county so appropriated to a district in another county had been within such last-mentioned county: Provided always, that such proceedings shall be only before justices of the peace qualified to act for the county to which such appropriated district shall properly belong, and shall be considered as if actually done within such county,

Part of a County may be appropriated to a District of adjoining County for the Purposes of this Act.

No. VI. 7&8 Geo. IV. c. 67.

and not within the county to which such district shall be annexed as aforesaid.

Grand Jury to present an annual Sum for Justice Room.

VII. And be it further enacted, That it shall and may be lawful to and for the said grand juries to present an annual sum, not exceeding ten pounds, for the rent of a public justice room, not being in a house wherein spirituous or fermented liquors are sold, in each of the places wherein such petty sessions shall have been appointed to be openly held as aforesaid; provided that wherever a public court house shall have been built and be maintained at any place so appointed, no such presentment shall be made, and the petty sessions shall be holden in such public court house, and not elsewhere; provided also, that no such presentment be made for such justice room, unless it shall be proved that six meetings of justices during the six months immediately preceding such presentment shall have been held therein.

Appointment of Clerk to Justices.

VIII. And be it further enacted, That it shall and may be lawful to and for the justices, at every such petty sessions assembled, to appoint one fit and proper person to act as their clerk during their pleasure, which clerk shall be authorized to receive the several fees as by the schedule to this Act annexed; and that no other or greater fee shall be taken by such clerk, or by any other person, for any summons, order, warrant, information, recognizance, conviction, or for any other matter or thing done by the said justices at petty sessions.

Appropriation of Fees.

IX. Provided always, That it shall and may be lawful to the justices of such petty sessions, if they shall so think fit, to keep or require to be kept an account of all such fees; and in case such fees shall amount to any greater sum than such justices shall consider to be and shall have been fixed as an adequate remuneration for such clerk as aforesaid, to appropriate any balance remaining after the payment of such clerk to the purchase of stationery and necessary books for the use of such petty sessions as aforesaid.

A Table of Fees to be affixed in every Court House.

X. And be it further enacted, That a printed table of the said fees shall be affixed within every court house or public justice room wherein such petty sessions are holden; and if any other or greater fees than those set forth in the schedule are demanded or taken for any Act, matter, or thing done at the said petty sessions, any person so offending shall forfeit the sum of five pounds, to be recovered by civil bill by any person who shall sue for the same: Provided nevertheless, that no fee whatsoever shall be demanded, taken, or received by any clerk to such petty sessions, or by any clerk to any justice of the peace, or by any other person, for any summons, warrant, information, recognizance, or other magisterial Act, done by any justice at any other time, place, or any other manner than at petty sessions.

A Registry of all Acts and Proceedings to be kept.

XI. And be it further enacted, That a registry or record in writing shall be kept by each and every clerk of petty sessions of all Acts or orders and proceedings done at such petty sessions, whether in civil or criminal cases, in the manner and form set forth in the schedule to this Act annexed; such registry or record to be signed, on each day upon which such petty sessions shall be holden, by all the justices present; and that no summons, warrant, conviction, committal, information, recognizance, or any other magisterial Act or order of any kind, be issued or signed at such petty sessions, without the making an entry thereof in the said record or registry.

Informations, &c., to be transmitted to Clerk of the Crown.

XII. And be it further enacted, That all informations and recognizances sworn and acknowledged at the said several petty sessions, or transmitted thereto, shall, once in every month at the least, be transmitted to the clerk of the crown or clerk of the peace of such county, county of a city, or county of a town, as the nature of the case may require; and the office of every such clerk of the crown and clerk of the peace shall be kept open from the hour of twelve o'clock till three o'clock every day, *Sundays*, *Good Friday*, and *Christmas Day* excepted.

Entry to be made of all Cases where a single Justice acts.

XIII. And be it further enacted, That in all cases in which it becomes necessary for a single justice to act magisterially, not being in petty sessions, save and except in the issue of summonses, such magistrates do

report such case, together with the informations taken or recognizances sworn and acknowledged, to the petty sessions then next ensuing, to be holden for the district in which such case had arisen; and that a particular entry be made in the registry of such petty sessions of every such case.

Lists of Informations, &c., where a single Justice acts, to be laid before Quarter Sessions.

XIV. And be it further enacted, That a list of all informations and recognizances sworn and acknowledged before justices acting singly be made out by the respective clerks of the crown and of the peace, and shall be laid before the judges of assize and justices in quarter session respectively, together with the names of the justices before whom such informations and recognizances were sworn and acknowledged.

Warrant, &c., to be signed by Two Justices.

XV. And be it further enacted, That every warrant, information, conviction, committal, recognizance, or order of the justices at petty sessions, shall be signed by two justices at the least, and not by any one person as chairman and on the behalf of others; and that no summons, warrant, or order be signed by any justice or justices of the peace, unless the blanks in the same shall have been first duly filled up.

Justices of Petty Sessions may determine Cases, although Complaint made before other Justices.

XVI. And be it further enacted, That it shall and may be lawful to and for any justices at petty sessions to hear and proceed and determine upon any case in which such justices have jurisdiction by law, although the summons for the same may have been issued, and the complaint received, by any other justice acting singly, or by any other justices at a previous meeting of such petty sessions, in such and the like manner as if the first complaint was made, and the summons issued, by the same justices before whom the subsequent proceedings were had and taken.

Chief and other Constables shall attend the Petty Sessions, and execute the Orders and Warrants of the Magistrates;

XVII. And whereas by an Act passed in the third year of the reign of his present Majesty, intituled *An Act for the appointment of Constables, and to secure the effectual Performance of the Duties of their Office; and for the Appointment of Magistrates in* Ireland *in certain cases*, it is amongst other things enacted, that all and every chief constables and other constables shall, when required, attend on the magistrates of the county at their sessions or elsewhere, and shall obey and execute all the orders, warrants, and commands of such magistrates: And whereas doubts have arisen as to the competency or liability of such constables to execute certain civil warrants of such magistrates; be it therefore declared and enacted, That every chief constable and other constable shall attend, and every such chief constable and other constable is hereby required (when not engaged on actual duty) to attend at the several petty sessions which shall be held at the respective places where such constables shall be respectively stationed; and that every such chief constable and other constable shall obey and execute all warrants, orders, and commands of such justices in petty sessions; and shall also obey and execute all warrants, orders, and commands of the magistrates of the county in their sessions in all cases, civil as well as criminal: Provided always, that no such constable shall be employed, under such authority, in the recovery of tithes, or in the levy of rents by distress, or in the levying of fines or penalties under any Act or Acts relating to the revenue in Ireland, or in the enforcing of any Act or Acts relating to the game laws, or any laws for the preservation of game or fish, except only in cases where forcible resistance shall have been actually made, and been proved by information taken on oath.

but shall not be employed by them in the Levy of Rents, &c.

SCHEDULE OF FEES.

	s.	*d.*
Summons and Copy - - - - -	0	6
Warrant - - - - - - - -	0	6
Recognizance - - - - - - -	1	0
Conviction - - - - - - - -	1	0
Engrossing Information in Assaults, Trespasses, and all Misdemeanors - - - - - -	1	0
Appeal to Quarter Sessions - - - - - -	1	6
Supersedeas - - - - - -	0	6

SCHEDULE (A.)

Registry of Summonses issued from Petty Sessions held for the County of ——— at ———

No.	Date of Complaint.	Complainant's Name and Residence.	Complaint.	Persons summoned, Name and Residence.

Registry of Civil Proceedings at Petty Sessions held for the County of ——— at ———

No.	Date of Complaint.	Complainant's Name and Residence.	Complaint.	Name of Defendant.	Witnesses sworn.	Adjudication.

Registry of Proceedings in Criminal Matters at Petty Sessions held for the County of ——— at ———

No.	Date of Information.	Informant's Name.	Offence.	Persons charged, Name and Residence.	Witnesses sworn.	Determination.

No. VI.
7&8 Geo. IV.
c. 67.

SCHEDULE (B.)

Form of Application to October Quarter Sessions for Alteration of Districts.

WE, the undersigned justices of the peace for the
of do hereby apply for the establishment of
a petty sessions at in the parish of
in the said for a district bounded as follows [*here set forth the proposed boundaries*]. Given under our hands and seals, this
day of

[No. VII.] 9 George IV. c. 9.—An Act to enable the Justices of the Peace for *Westminster* to hold their Sessions of the Peace during Term and the Sitting of the Court of King's Bench.—[3d *April* 1828.]

No. VII.
9 Geo. IV.
c. 9.

WHEREAS by the present law of this realm the justices of the peace for the city and liberties of *Westminster* are not authorized to hold their sessions during the sitting of his Majesty's Court of King's Bench at *Westminster* or elsewhere in the county of *Middlesex*, and it is expedient that the said justices should have such power and authority, for the more speedy trial of offenders, and the more effectual dispatch of business; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That it shall be lawful for the said justices of the peace for the city and liberties of *Westminster* to begin and continue, or to continue when begun, any session of the peace for the said city and liberties, until the business thereof shall be finally concluded, notwithstanding the essoign day or other commencement of any term may happen, or his Majesty's Court of King's Bench may sit at *Westminster* or elsewhere in the county of *Middlesex*, before, or at the beginning, or during the continuance of any such session; and that all trials, judgments, proceedings, acts, and things whatsoever, had, made, and done at any such session, and all proceedings acts and things whatsoever in pursuance of such judgments, shall, notwithstanding the happening of the essoign day or other commencement of any term, or the sitting of the Court of King's Bench as aforesaid, be good and valid in law to all intents and purposes: Provided always, that every session of the peace to be held for the said city and liberties shall commence in the week preceding the holding of each of the quarter or general sessions of the peace for the county of *Middlesex*.

Sessions of the Peace may be held at Westminster, notwithstanding the Sitting of the Court of King's Bench.

Commencement of the Sessions.

II. And be it further enacted, That this Act shall be deemed and taken to be a public Act.

Public Act.

PART VI.—CLASS XXXIII.

SHEEP.

[No. I.] 38 George III. c. 65.—An Act for preventing the depasturing of Forests, Commons, and Open Fields, with Sheep or Lambs, infected with the Scab or Mange, in that Part of *Great Britain* called *England*.—[21st *June* 1798.]

No. I. 38 Geo. III. c. 65.

'WHEREAS there are within this kingdom several forests, chases, woods, moors, marshes, heaths, commons, waste lands, and open fields, and other undivided and uninclosed lands, capable of yielding great profit, by breeding and maintaining sheep and lambs: And whereas several persons interested in such lands turn out, keep, and depasture thereon sheep and lambs infected with a certain contagious complaint or disorder, commonly called *The Scab* or *Mange*, by which means such complaint or disorder has gradually increased, and will, if such practice be not restrained, become general, to the great injury not only of divers individuals, but of the public at large, such complaint or disorder rendering the flesh of such sheep and lambs unwholesome, and destroying the wool:' May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the twenty-fifth day of *December* in the year of our Lord one thousand seven hundred and ninety-eight, if any person or persons whosoever shall turn out, keep, or depasture, in or upon any forest, chase, wood, moor, marsh, heath, common, waste land, open field, or other undivided or uninclosed land, any sheep or lambs infected with such complaint or disorder called *Scab* or *Mange*, or shall wilfully and knowingly turn out, keep, or depasture, in or upon any such forest, chase, wood, moor, marsh, heath, common, waste land, open field, or other undivided or uninclosed land, any sheep or lamb which, at any time within the space of six calendar months immediately previous thereto, shall have been infected as aforesaid, every such person, on being thereof convicted on the oath of one or more credible witness or witnesses, or on his or her confession, before any one or more justice or justices of the peace for the county, district, or place wherein such offence shall have been committed, shall forfeit and pay any sum not exceeding ten pounds, nor less than twenty shillings, for every such offence, together with all reason-

From Dec. 25 1798, if any person shall turn out upon any forest, &c., sheep or lambs having the Mange, or having been within six months infected therewith, he shall forfeit not more than 10*l.* nor less than 20*s.* for each offence.

able costs and charges attending such conviction, such costs and charges to be ascertained by the justice or justices before whom such conviction shall take place: and so *toties quoties* as often as any such sheep or lamb shall be so turned out, kept, or depastured.

The owner of every sheep and lamb three months old, turned out on any forest, &c. shall cause them to be marked, on a penalty not exceeding 2*s.* for each.

II. And be it further enacted, That from and after the said twenty-fifth day of *December* one thousand seven hundred and ninety-eight, the owner or owners of each and every sheep and lamb of the age of three months, which shall be turned out, kept, or depastured, on any forest, chase, wood, moor, marsh, heath, common, waste land, open field, or other undivided or uninclosed land, shall cause such sheep and lambs to be marked with the initial letters of his, her, or their christian name and surname, or christian names and surnames, or with such marks with which such sheep or lambs have for three preceding years been usually marked, such letters or marks not being less in length than three inches; and in case of neglect thereof, the owner or owners shall, for each and every such sheep and lamb not so marked, forfeit and pay any sum not exceeding two shillings, and so *toties quoties*, as often as any such sheep or lamb not so marked shall have been so turned out, kept, or depastured.

Any person depasturing, or having a right to depasture on such forests, &c. may apply to a justice, who may order sheep and lambs to be driven to the next pound, &c. and there examined, and if found to have been depastured, not contrary to this Act, may order them back to the place from whence taken, and award damages to the owner;

III. And be it further enacted, That for the better and more effectually discovering the offenders, and punishing the offences herein mentioned, it shall and may be lawful to and for any person or persons having sheep or lambs actually depasturing, or entitled to be depastured, on such forest, chase, wood, moor, marsh, heath, common, waste land, open field, or other undivided or uninclosed land, who shall perceive, or have reasonable ground or foundation for believing, that there is or are any sheep or lambs, sheep or lamb, depasturing or being in or upon the same, contrary to the direction and provisions of this Act, to apply to any one or more justice or justices of the peace of the county, district, or place, wherein such lands severally do lie, who, upon complaint on oath made thereof before him or them, is and are hereby authorized and required to issue a warrant or warrants under his hand and seal, or their hands and seals, directed to the keeper or keepers of the said forests or chases, or his or their deputy or deputies, or to the petty constable or constables, bailiff, headborough, or tything man of any parish, hamlet, or township, within or near which any such forest, chase, wood, moor, marsh, heath, common, waste land, open field, or other undivided or uninclosed land, shall lie and be situate, or unto any other person or persons, who shall consent and be willing to be inserted in such warrant or warrants, and shall command and empower him or them, or any of them, to take or drive all and every such sheep and lambs, sheep and lamb to the next pound, or to some other convenient place, there to be examined by the person or persons who shall have made such application to such justice or justices as aforesaid, his, her, or their servant or agent; and by the person or persons to whom the said warrant shall be directed, any or either of them, notice being first given six hours at the least before such examination shall take place, by the person or persons making such complaint, or by his, her, or their servant or agent, to the owner or owners of such sheep or lambs, sheep or lamb, or unto his, her, or their hind, bailiff, or servant, or left at his, her, or their last or usual place of abode, if any or either of them be known, and do reside in the parish or parishes, hamlet or hamlets, township or townships, where such sheep or lambs, sheep or lamb, shall have been so found, describing the pound or place the same shall have been taken or driven to, in order that he, she, or they may, should he, she, or they judge proper, be present at such examination; and if after such examination it shall be proved to the satisfaction of the justice or justices granting such warrant or warrants, that such sheep or lambs, sheep or lamb, have or hath not been kept or depastured in or upon such lands and grounds, contrary to the directions and provisions of this Act, then and in such case each and every such sheep and lamb shall be taken and driven back to the place or places from whence it was taken or driven previous to such examination, and such justice or justices shall award such costs, charges, and damages to the owner or owners thereof, as to him or them shall seem reasonable; and such costs, charges, and damages shall be paid by the person or persons making such

No. I. 38 Geo. III. c. 65.

complaint, and shall be recovered in like manner as any forfeitures or penalties are by this Act directed to be recovered.

but if found defective, &c. shall direct them to be detained and marked with an S, &c. and on demand delivered to the owner, who shall pay the expences and penalty.

IV. Provided always, and be it enacted, That if upon any such examination it shall appear to such justice or justices, that any such sheep or lambs, sheep or lamb, have or hath been turned out, kept, or depastured, in or upon any such lands or grounds, infected as aforesaid, or which at any time within the space of six calendar months immediately previous thereto shall have been infected as aforesaid, then and in such case the said justice or justices shall and may direct the same to be impounded, detained, and kept, and to be forthwith marked on both sides with the letter S, (the length of such letter not being less than five inches,) such marks to be made with pitch or tar, or some other adhesive material, such as sheep have been usually marked with in the neighbourhood, and shall also cause the left ear of each such sheep and lamb to be cut or slit in a horizontal line, (such cut or slit not exceeding the length of one inch,) and the same, when so marked, shall be delivered, upon demand, to the owner or owners thereof; and the costs, charges, and expences attending the taking, driving, keeping, impounding, and marking of the same, having been ascertained by such justice or justices, shall be paid by the owner or owners of such sheep or lambs, sheep or lamb, together with the penalties and forfeitures imposed by this Act, for each and every such sheep and lamb, and such costs, charges and expences shall be recovered in like manner as any penalties or forfeitures imposed by this Act are directed to be recovered; and any such mark or marks, when made, shall be and be deemed evidence of the fact that such sheep or lambs, sheep or lamb, have been turned out, kept, or depastured, contrary to the directions and provisions of this Act, without any other evidence whatsoever.

Penalty on persons destroying such marks, and on owners not renewing them, not more than 20*s.* nor less than 2*s.* each sheep, &c.

V. And be it further enacted, That if any person or persons, at any time within the space of six calendar months after any such sheep or lambs shall have been so marked as directed by such justice or justices, shall cut out, alter, or destroy the mark herein directed to be made in the ear of any such sheep or lamb, or if the owner or owners of any such sheep or lamb shall not immediately renew or cause to be renewed, in like manner, the mark or marks herein directed to be made in the side or sides of every such sheep and lamb, when and as often as such mark or marks on the side or sides shall be defaced, altered, obliterated, or destroyed, by any means whatsoever, every such person, for each and every sheep and lamb, the said mark in the ear of which shall have been by him or her so cut out, altered, or destroyed, and such owner or owners, for each and every sheep and lamb, not having the said mark or marks on the side or sides thereof, immediately renewed as aforesaid, shall forfeit and pay, on conviction, any sum not exceeding twenty shillings, nor less than two shillings; and the justice or justices before whom such conviction be had, shall, and he and they is and are hereby required to cause every such mark so cut out, altered, defaced, obliterated, or destroyed, to be immediately renewed, and the sheep or lambs, sheep or lamb, to be detained and impounded until every such mark shall have been renewed.

If sheep be not demanded within five days after they are marked, they may be sold, and the produce paid to the overseers of the poor, and if not claimed in 12 months applied in aid of the poor rate.

VI. And be it further enacted, That if such sheep or lambs, sheep or lamb, so detained or impounded, shall not be demanded and taken away by the owner or owners thereof within five days after the same shall have been so marked as aforesaid, it shall and may be lawful to and for any justice or justices of the peace of the county, district, or place, in which such sheep or lambs, sheep or lamb, shall have been so detained or impounded, by warrant under his or their hand and seal, or hands and seals, to direct the same to be sold, and the money arising by such sale, after deducting the costs, charges, and expences of taking, driving, keeping, detaining, impounding, and making the same, shall be paid to the overseer or overseers of the poor of the parish, hamlet, or place where such sheep or lambs, sheep or lamb, shall have been so detained or impounded; and in case the owner or owners of such sheep or lambs, sheep or lamb, shall not claim such money within twelve calendar months after such payment, the same shall be applied in aid of the poor rate of such parish, hamlet, township, or place.

VII. And be it further enacted, That all penalties and forfeitures by this Act imposed for any offence against the same, shall be levied by distress and sale of the goods and chattels of the offender or offenders, by warrant under the hand and seal of some justice of the peace for the county or place where the offence shall be committed, rendering the overplus of the money arising by such distress and sale (if any) upon demand to the owner of such goods and chattels, after deducting the costs and charges of making such distress and sale; which warrant such justice is hereby empowered and required to grant, upon conviction of the offender or offenders by confession or upon the oath of one or more credible witness or witnesses; and one moiety of such penalties and forfeitures, when so levied, shall be paid to the informer, and the other moiety to the overseer or overseers of the parish or township where the offence shall be committed, to be applied by him or them in aid of the poor rate.

Penalties may be levied by distress.

Penalties, half to informer and half to the poor.

VIII. And be it further enacted, That in all cases where any conviction shall be had for any offence or offences committed against this Act, or against any order of sessions, or any adjudication for the marking of sheep or lambs made, the form of conviction, and the form of adjudication for the marking of any sheep or lambs, shall be in the words or to the effect following; (that is to say,)

Forms of

Conviction.

'} BE it remembered, That on this day of
'to wit. } in the year of the reign of *A. B.* is
'convicted before of his Majesty's justices of the peace for the
'of by virtue of an Act of Parliament, made in the thirty-
'eighth year of the reign of King *George* the Third, intituled [*here set*
'*forth the title of the Act, and specify the offence, and the time and place*
'*when and where the same was committed*]; and I [*or* we] the said
'do adjudge him [her, *or* them] to forfeit and pay for the same the sum
'of Given under my hand and seal [*or*, our hands and seals] the
'day and year aforesaid.'

The Form of Adjudication.

Adjudication.

'} UPON the report upon the oath [*or* oaths] of
'to wit. } this day of in the year
'of our Lord made unto of his Majesty's
'justices of the peace for the of respecting
'certain sheep [and lambs] detained [*or*, impounded] in a
'in the parish of in the said county, by virtue of a warrant
'under our hands and seals [*or* my hand and seal] do hereby
'adjudge that such sheep [and lambs] belonging to A. B. [*or*, the owner
'or owners thereof, being unknown] appearing to me [*or* us] to be infected
'with the scab or mange [*or*, having within the space of
'months, immediately previous to the date hereof, been infected with the
'scab or mange] be marked forthwith according to the directions of an Act,
'made in the thirty-eighth year of the reign of King *George* the Third, in-
'tituled [*here set forth the title of the Act*]. Given under our hands and
'seals [*or*, my hand and seal] the day and year aforesaid.'

IX. Provided always, and be it enacted, That if any person or persons shall think himself, herself, or themselves aggrieved by any thing done by or in pursuance of this Act, such person or persons may appeal to the justices of the general quarter sessions of the peace to be holden for the county or place where such matter of appeal shall arise, next after the expiration of four calendar months from the time such matter of appeal shall have arisen, and the justices in such sessions are hereby authorized and required to hear and determine the matter of such appeal in a summary way, and to make such determination therein, and to award such costs as they shall judge proper; and such determination shall be final, binding, and conclusive to all parties, and to all intents and purposes whatsoever.

Persons aggrieved may appeal to the quarter sessions.

X. And be it further enacted, That where any distress shall be made for any sum or sums of money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party or parties making the

Distress not deemed unlawful on account

No. I. 38 Geo. III. c. 65.

same be deemed a trespasser or trespassers on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceedings relating thereto, nor shall the party or parties making the same be deemed a trespasser or trespassers *ab initio*, on account of any irregularity which shall afterwards be done by the party or parties distraining; and the person or persons aggrieved by such irregularity may recover full satisfaction for the special damage in an action on the case: Provided always, that no plaintiff or plaintiffs shall recover in any such action for such irregularity, or for any trespass or other wrongful proceeding, if tender of sufficient amends hath been made to him, her, or them, or his, her, or their attorney, or by or on the behalf of the defendant or defendants, before such action brought; and in case no such tender shall have been made, it shall be lawful for the defendant or defendants in any such action, by leave of the court, after such action shall have been brought, at any time before issue joined, to pay into court such sum of money as he, she, or they, shall think fit, whereupon such proceedings, order, and judgment, shall be made and given in and by such court, as in other actions where the defendant is allowed to pay money into court.

of want of form in proceedings, &c.

Tender of amends

or payment into court.

Limitation of actions.

Notice.

XI. Provided always, and be it enacted, That no action or suit shall be commenced against any person or persons for any thing done in pursuance of this Act, unless ten days' notice in writing, signed by the attorney for the plaintiff or plaintiffs, be thereof given to the defendant or defendants, specifying the cause of such action or suit, hath been given to the party or parties aggrieved, or after six calendar months next after the fact committed; and every such action or suit shall be brought and tried in the county where the cause of such action shall arise, and not elsewhere; and the defendant or defendants in every such action or suit shall or may, at his, her, or their election, plead specially, or the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and if the same shall appear to be so done, or such action or suit shall be brought before ten days' notice shall be given as aforesaid, or after the time limited for bringing the same as aforesaid, or shall be brought in any other county than as aforesaid, then the jury shall find for the defendant or defendants; and upon such verdict, or if the plaintiff shall be nonsuited, or discontinue his or her action or suit after the defendant or defendants shall have appeared, or if upon demurrer judgment shall be given against the plaintiff, then the defendant or defendants shall recover treble costs, and have such remedy for the same as any defendant or defendants have in other cases by law.

General issue.

Treble costs.

No proceedings to be quashed for want of form, or removeable into any Court of Record at Westminster.

XII. And be it further enacted, That no order, verdict, judgment, or other proceedings made, touching or concerning any of the matters aforesaid, or touching or concerning the conviction of any offender or offenders against this Act, shall be quashed or vacated for want of form only, or be removed or removeable by *certiorari*, or any other writ or process whatsoever, into any of his Majesty's Courts of Record at *Westminster*, any law or statute to the contrary thereof in anywise notwithstanding.

Act not to extend to Scotland.

XIII. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to that part of *Great Britain* called *Scotland*.

Public Act.

XIV. And be it further enacted, That this Act shall be deemed and taken to be a public Act; and shall be judicially taken notice of as such, by all judges, justices, and all persons whomsoever, without specially pleading the same.

PART VI. CLASS XXXIV.

STAGE COACHES.

[No. I.] 50 George III. c. 48.—An Act to repeal three Acts, made in the twenty-eighth, thirtieth, and forty-sixth Years of his present Majesty, for limiting the Number of Persons to be carried on the Outside of Stage Coaches or other Carriages, and to enact other Regulations for carrying the Objects of the said Acts into Effect.—[9th *June*, 1810.]

No. I.
50 Geo. III. c. 48.
28 G. 3. c. 57.
30 G. 3. c. 36.
46 G. 3. c. 136.

'WHEREAS an Act was passed in the twenty-eighth year of the reign of his present Majesty, intituled, *An Act for limiting the Number of Persons to be carried on the Outside of Stage Coaches or other Carriages*: And whereas another Act was passed in the thirtieth year of his present Majesty, intituled, *An Act to alter, explain and amend an Act, made in the twenty-eighth Year of the Reign of his present Majesty*, intituled, *An Act for limiting the Number of Persons to be carried on the Outside of Stage Coaches or other Carriages, and for regulating the Conduct of the Drivers and Guards thereof*: And whereas another Act was passed in the forty-sixth year of the reign of his present Majesty, intituled, *An Act to alter and amend two Acts made in the twenty-eighth and thirtieth Years of his present Majesty, for limiting the Number of Persons to be carried on the outside of Stage Coaches or other Carriages, and regulating the Conduct of the Drivers thereof*: And whereas the regulations and penalties established and imposed by the said recited Acts have proved insufficient to answer the useful and important purposes thereby intended; and it is expedient to repeal the same, and to enact other provisions and regulations for carrying the objects of the said Acts into effect:' May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act, the said several Acts shall be and the same are hereby repealed.

repealed.

Number of outside passengers, &c.

II. And be it further enacted, That, from and after the passing of this Act, any coach, berlin, landau, chariot, diligence, calash, chaise marine, or other carriage with four or more wheels, by what name soever the same is or shall hereafter be called or known, to be employed as a public stage coach or carriage, for the purpose of conveying passengers for hire to and from different places in *Great Britain*, and drawn by four or more horses, shall be allowed to carry ten outside passengers and no more, exclusive of the coachman, but including the guard, where there is a guard with such coach or other carriage; and that one passenger and no more shall be allowed to sit upon the box with the coachman, and three of such passengers on the front of the roof before, and the remaining six behind, in the manner the most safe and convenient for the said passengers: Provided always, that no such passenger or passengers shall be allowed to sit on the luggage, or that part of the roof allotted for the same; and that all stage coaches or other carriages above described, drawn by two or three horses, shall be allowed five outside passengers and no more, exclusive of the coachman;

Proviso.

No. I. 50 Geo. III. c. 48.

and that all stage coaches called *long coaches* or *double-bodied coaches*, shall be permitted to carry eight outside passengers and no more, exclusive of the coachman, but including the guard, where there is a guard with such coach, under such fines or penalties as are by this Act imposed, in cases where more outside passengers are carried than are allowed by this Act; such fines and penalties to be imposed and levied upon the owner or proprietor, or the owners or proprietors of any such coach or other carriage above described, or any one or more of them, or any person driving the same, in the manner after mentioned: Provided always, that no child in the lap, or under seven years of age, shall be included in or counted as one of such number, unless there shall be more than one; and if more than one, that two of such children shall be accounted equal to one grown person, and so on in the same proportion; and that no person paying as an outside passenger shall be permitted to sit or remain as an inside passenger, unless with the consent of one of the inside passengers at the least conveyed by such coach or other carriage, and next to whom such outside passenger shall be placed: And provided also, that where such coach or other carriage is of a construction peculiarly wide or commodious, and being so found shall be duly licensed for that purpose, four outside passengers instead of three shall be allowed to sit on the front of such coach or other carriage: Provided always, that the number of outside passengers shall not exceed ten in all.

Long coaches.

Penalties.

Children.

Outside passengers sitting inside.

Front.

Height and bearing of coach.

III. Provided always, and be it further enacted, That from and after the first day of *March* one thousand eight hundred and eleven, it shall not be lawful for any driver, owner or proprietor of any coach or other carriage above described, going or travelling for hire, to permit or suffer in any manner or way any luggage to be carried on the roof of any such coach or other carriage, or any person to ride or go as an outside passenger on or about the outside of any such coach or other carriage, the top of which shall be more than eight feet nine inches from the ground, or the bearing of which on the ground shall be less than four feet six inches from the centre of the track of the right or off wheel, to the centre of the track of the left or near wheel, under the penalty of five pounds for each offence, to be recovered and applied in the same manner as any penalty for more outside passengers than are allowed by this Act can be recovered and applied.

Penalty.

Luggage exceeding a certain height.

IV. And be it further enacted, That from and after the passing of this Act, it shall not be lawful for any driver, owner, or proprietor of any such coach, mail coach, or other carriage above described, going or travelling for hire, to carry or permit or suffer any parcel or parcels, or luggage whatever, exceeding two feet in height, to be conveyed on the roof of any such coach, mail coach, or other carriage above described, drawn by four or more horses; and where carriages are drawn by two or three horses, then such luggage not to exceed eighteen inches above the roof; and every such driver so offending, and any owner or proprietor of any such coach or other carriage, where such driver is not known or cannot be found, being convicted of such offence either by his or her own confession, the view of a justice of the peace or other magistrate, or the oath or oaths of one or more credible witness or witnesses, before any justice of the peace or other magistrate acting in and for the county, riding, city, town, division, or place where any offence shall be committed, (which oath every such justice or other magistrate is hereby authorized and required to administer) shall forfeit and pay the sum of five pounds for every inch above the space of two feet or of eighteen inches respectively above allowed; and in case the driver so offending shall be the owner of such coach, mail coach, or other carriage above described, he shall forfeit the sum of ten pounds for every inch above the spaces respectively above allowed; and in default of payment of the said penalties respectively, the person and persons so offending shall be committed to the common gaol or house of correction of the county, riding, city, town, division or place where such offence shall have been committed, there to remain without bail or mainprize for the space of two months, unless such penalties shall be sooner paid: Provided always, that all packages hereinbefore described shall be so placed on the roof of such coach, mail coach, or other carriage above described, as that no passenger or pas-

Penalty.

Penalty.

Passengers sitting on packages.

sengers shall sit thereon, under the penalty of fifty shillings for each offences: to be paid by such passenger or passengers respectively, and to be recovered and applied in the same manner as the other penalties imposed by this Act; and that the division or space on the top of the coach or other carriage aforesaid allotted for luggage, shall be distinctly separated from the other part of the top of such coach or other carriage, by some railing or otherwise; and in case any such driver or owner or part owner, when required so to do, shall refuse to permit the said carriage and luggage to be measured by any justice of the peace, magistrate, constable, surveyor of any highway or turnpike road, inspector of coaches duly authorized by the commissioners of stamps, or passenger, he shall forfeit the like penalty, to be recovered and applied in the manner hereinafter specified.

Penalty.

Place for luggage separate.

Measuring luggage.

Penalty.

V. And whereas it is expedient to lower the present height of stage coaches, in which case a greater height of luggage than two feet might be safely permitted to be carried on the outside thereof; Be it therefore enacted, That it shall be lawful to carry any luggage, parcel or other package in manner hereinbefore provided for, on the roof of any coach or other carriage above described of a greater height than two feet; Provided such luggage, parcel or other package be not a greater height from the ground, including the height of such coach, than ten feet nine inches.

Height of luggage proportional.

VI. And be it further enacted, That in every licence to be taken out by any person who shall keep any carriage, to be employed as a public stage coach or other carriage above described, for the purpose of conveying passengers for hire to and from different places in *Great Britain* shall be specified the number of outside passengers to be carried on or about the outside of such coach or other carriage above described, as well as the number of inside passengers to be carried therein as now by law directed; and that no such licence shall in future be granted for more than the number of inside and outside passengers in all allowed by law, and that such licence shall contain the name or names and the places of abode of every individual to whom such coach or other carriage shall belong, a copy of which licence shall be accessible at the board or office where such licence is issued, to any person or persons applying either for a copy of or for the perusal of the same.

Number of passengers permitted specified in licence;

VII. And be it further enacted, That all and every person or persons who shall be duly licensed to keep any coach or other carriage above described, for the purpose of conveying passengers for hire to and from different places in *Great Britain*, (mail coaches always excepted) shall, and he, she, or they is and are respectively directed and required to paint or cause to be painted within six months from the passing of this Act, on the outside of each door of each such coach or other carriage above described, or on some other conspicuous part thereof, in legible characters of at least one inch in length, and of a different colour from the ground on which the same is painted, and in words at length, the number of outside passengers which the licence obtained for such carriages respectively shall specify or express, (as well as and in like manner as the number of inside passengers as now by law directed) together with the name or names of the person or persons or the company of proprietors or firm to whom such coach or other carriage shall belong: Provided always that it shall be lawful for any board of commissioners by whom such licence shall be granted, to require instead of such inscription that a plate made of brass or other metal shall be fixed on the side of each coach or other carriage above described, with the name or names of the person or persons or the company of proprietors of firm, and a distinct number for each, to the end that the owner or owners and driver of such coach or carriage shall be known; and if any person, company of proprietors, or firm, shall be licensed to keep more than one coach, every one of them shall have several numbers or other marks of distinction in the same manner as if they did belong to several persons; and if any person shall blot out, obliterate, alter or deface the number, figure or mark of distinction appointed by the said commissioners, he shall forfeit five pounds for every such offence; and if any person or persons shall employ or make use of any such carriage as aforesaid, for carrying any outside passengers for hire to and from different places in *Great Britain*, without being

to be painted on doors of coach.

Commissioners may order a brass plate on side of coach, with the owner's name, &c.

Defacing, &c. Penalty.

Using carriage without licence, &c.

No. I. 50 Geo. III. c. 48.

licensed so to do, or without having the said words and number and name or names painted on the outside of each door of such carriage, or in such other conspicuous part thereof, and in such manner as is hereinbefore directed, or shall at any time carry more outside passengers than shall be specified or expressed in the licence for using such coach or other carriage, and by the words so painted on the outside of such doors or other conspicuous part of such carriage or the numbered plate, every person so offending shall for each and every offence forfeit and pay the sum of ten pounds for each outside passenger beyond the number hereby allowed, and double that sum if the driver or coachman be also owner or part owner, to be recovered and applied in the same manner as any other penalty imposed by this Act can be recovered and applied; and every such inscription or plate, as the case may be, to be considered sufficient evidence of the parties to whom such coach or other description of carriage above enumerated doth belong, being owner or proprietor thereof.

Penalty.

Evidence.

Owners liable to penalties if drivers not found.

VIII. And be it further enacted, That in case the driver of any such coach or other carriage above described, going or travelling for hire, and conveying a greater number of persons in any manner or way in the inside, or on or about the outside of any such coach or other carriage above described than are allowed by this Act, or permitting more than one passenger to sit upon the box (which box shall be so constructed as not conveniently to hold more than one passenger besides the coachman) shall not be known, or being known cannot be found, then, and in every such case, the owner or owners, proprietor or proprietors, or any of them, of any such coach, or other carriage above described, shall be liable to all such fines and penalties as if such owner or owners, proprietor or proprietors had been the driver only of any such coach or other carriage above described, at the time that such offence was committed: Provided always, that if any such owner or proprietor shall make out to the satisfaction of the justice of the peace or other magistrate above mentioned, before whom any such information shall be laid, by sufficient evidence not resting on his own testimony, that the offence was committed by the driver of the coach or other carriage, without his privity or knowledge, and that no profit, advantage or benefit, either directly or indirectly, has accrued or could or would have accrued to such owner or proprietor therefrom, but that such offence was committed against this Act by such driver in violation of his duty to the owner or proprietor, as well as against the provisions of this Act, such justice of the peace or other magistrate above mentioned shall discharge the owner or proprietor from such penalty and expence and levy the same upon the driver only, when found, and such driver, unless he pays the penalty for which he is liable in consequence of such offence, shall be committed to the common gaol or house of correction of the county, riding, city, town, division or place where such offence shall have been committed, there to remain without bail or mainprize for any time not exceeding six months nor less than three months, at the discretion of the justice or other magistrate above mentioned, by or before whom any such offender shall be convicted.

Owners relieved from penalties.

Driver not paying.

Imprisonment.

Summons.

IX. And be it further enacted, That any summons issued by any justice of the peace or other magistrate above mentioned, commanding any driver, owner or proprietor of any coach or other carriage above described, or any person or persons or company of proprietors or firm of any company to whom such coach or other carriage above described shall belong, to appear before him at such time or place as to such justice or other magistrate above mentioned shall seem meet, for any offence committed against this Act, or a copy thereof shall be deemed to be well and sufficiently served, in case either the original or a copy of such summons be left with the known or acting book-keeper for such coach or other carriage above described, in any town or place into or through which any driver offending as aforesaid shall drive such coach or other carriage.

What good service.

Drivers leaving their horses, &c.

X. And be it further enacted, That the driver of any such coach, mail coach, or other carriage above described, going or travelling for hire, stopping at any place or places where assistance can be procured, shall not quit his horses or the box of such coach or other carriage above described,

until a proper person or persons shall be employed to hold the horses or fore horses, whilst such carriage stops, so as to prevent them from running away, and shall have actual hold of such horses, and that such person or persons shall hold the same until the driver has returned to his box, or until the post-boy who rides one of the horses is again mounted, and has in his hands the reins for guiding the said horses, and if such driver or such person or persons shall neglect so to do, he or they being duly convicted thereof by his or their confession, the view of a justice or other magistrate above mentioned, or by the oath of one or more credible witness or witnesses, taken before any justice or other magistrate above mentioned, shall be subject to and forfeit and pay a penalty of not less than ten shillings nor more than five pounds for each offence: Provided nevertheless, that nothing in this section or clause contained shall extend, or be construed to extend, to hackney coaches being drawn by two horses only.

Penalty.

Drivers, &c. intoxicated or retarding mails not accounting, &c.

XI. Provided nevertheless, and be it further enacted, That in case the driver of any such coach, mail coach or other carriage above described, or the person acting as guard, shall, by intoxication or by negligence or other misconduct (unavoidable accidents always excepted), endanger the safety of the passengers in their lives, their limbs or their property, or shall not give due care or protection to any other property with which such driver or guard or either of them may be entrusted; or if any driver of any mail coach, or any guard, shall loiter on the road or wilfully misspend or lose time so as to retard the arrival of his Majesty's mails at the next stage; or if the driver of any mail coach shall not, in all possible cases, convey such mails at the speed of such a number of miles an hour as are fixed by the postmaster-general for the conveyance thereof, unless the circumstances of the weather or the badness of the roads, or the occurrence of any accident to the coach or horses shall prevent the same; or if any driver or guard of any such coach, mail coach or other carriage shall not duly account to his or their employers or persons authorized by them to account with such driver or guard for all monies received by him, them or either of them, in respect of any passenger or parcel conveyed or taken by such coach or other carriage above described, then and in every such case the driver or guard (as the case may be) so offending, and being convicted thereof by his own confession, the view of a justice (in any case applicable thereto), or the oath or oaths of one or more credible witness or witnesses, before any justice or other magistrate above mentioned, shall forfeit and pay a sum not less than five pounds nor more than ten pounds for every such offence, and shall return the sum or sums of money so embezzled; and in case of non-payment every such justice or other magistrate above mentioned are hereby authorized to commit such offender to the common gaol or house of correction for the county, riding, city, town, division or place where such offence shall have been committed, there to remain without bail or mainprize, for any time not exceeding six months nor less than three months, at the discretion of the justice or other magistrate above mentioned, by or before whom any such offender shall be convicted.

Penalty.

Imprisonment.

Driver, &c. insulting or exacting from passengers.

XII. And be it further enacted, That in case the driver or guard of any such coach or other carriage above described, shall use abusive or insulting language to any passenger, or shall insist on and exact more than the sum to which he is legally intitled, then, and in every such case, the driver or guard (as the case may be) so offending, and being convicted thereof by his own confession, or the oath or oaths of one or more credible witness or witnesses, before any justice or other magistrate above mentioned, shall forfeit and pay a sum not less than five shillings nor more than forty shillings for every such offence; and in case of nonpayment, every such justice or other magistrate above mentioned are hereby authorized to commit such offender to the common gaol or house of correction of the county, riding, city, town, division or place, where such offence shall have been committed, there to remain without bail or mainprize for any time not exceeding one month, nor less than three days, at the discretion of the justice or other magistrate above mentioned, by or before whom any such offender shall be convicted.

Penalty.

Imprisonment.

No. I. 50 Geo. III. c. 48.

Peace officers neglecting to execute warrants.

Penalty.

Imprisonment.

XIII. And be it further enacted by the authority aforesaid, That if any constable or other peace officer shall refuse or neglect to execute any warrant granted by any justice of the peace or other magistrate above mentioned, pursuant to the directions of this Act, every such person so offending, and being convicted thereof before one or more justice or justices of the peace or other magistrate or magistrates above mentioned, either by his own confession or upon the oath of one or more credible witness or witnesses (which oath such justice or justices or other magistrate or magistrates above mentioned, is and are hereby authorized and required to administer), shall, for every such offence, forfeit and pay the sum of five pounds; and in case the person so convicted doth not forthwith pay or secure to be paid the said penalty, then it shall be lawful for such justice or justices of the peace or other magistrate or magistrates above mentioned, to commit such person to the common gaol or house of correction of the county, riding, city, town, division or place where such offence shall be committed, there to remain without bail or mainprize for any time not exceeding one month, unless the said penalty shall be sooner paid.

Passenger may require toll collector to count number of passengers and measure height of luggage.

Driver refusing.

Penalty.

Double penalty.

Collector refusing.

Penalty.

Passenger evading.

Penalty.

XIV. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, if the driver of any coach or other carriage above described, drawn by two or more horses and going or travelling for hire, shall permit or suffer more than one person on the coach box besides himself, and a greater number of outside passengers than according to the numbers allowed by this Act, to be carried or conveyed by any such coach or carriage above described respectively, it shall be lawful for any outside or inside passenger who shall have been regularly booked, and who has actually paid for his place, if conveyed by such coach or other carriage, to require the driver to stop such coach or carriage at any toll or turnpike gate, and to require the collector of the toll at such gate to count the number of passengers, or measure or ascertain the height of the luggage upon such coach or other carriage; and if any such driver shall refuse upon the demand of any such passenger to stop any such coach or carriage, or to permit or suffer the collector at such toll or turnpike gate who shall be so required by any such passenger, to count the number of passengers and ascertain the height of the luggage, or to make such examination, then, in every such case, the driver of such coach shall forfeit the sum of five pounds for every such refusal, and shall, if more passengers shall have been carried on such coach, or the luggage shall exceed the height allowed by this Act, forfeit for every such offence, the committing whereof shall have been prohibited as aforesaid, double the penalty imposed by this Act for such offence, the one half of such penalty to belong to the toll collector for his trouble, and the other half to the passenger; and if any toll collector, upon being so required by any such passenger, shall neglect or refuse to make such examination, he shall forfeit and pay the sum of five pounds for each offence, to be levied and applied in the same manner as the other penalties imposed by this Act; and if any person or persons shall endeavour to evade such examination by descending from such coach or other carriage above described, previous to its reaching any turnpike gate, and re-ascending after it has passed such turnpike gate, he shall forfeit and pay the sum of ten pounds, to be recovered in the same manner as the other penalties hereby imposed.

Coachman permitting other persons to drive.

Furious driving, &c.

XV. And be it further enacted, That, from and after the passing of this Act, if the coachman or person having the care of any coach, mail coach, or other carriage above described, shall permit or suffer any other person without the consent of a proprietor, or against the consent of the passengers, to drive the same, or shall quit the box without reasonable occasion, or for a longer space of time than such occasion may require (although the reins for guiding or driving the horses be left for the time in the hands of the passenger on the box) or if the coachman or person having the care of any coach, mail coach or other carriage above described, shall, by furiously driving or by any negligence or misconduct, overturn the carriage, or in any manner endanger the persons or property of the passengers, or the property of the owners or proprietors of such carriage, (unavoidable accidents

always excepted) every such coachman or person as aforesaid so offending, shall, for every such offence, forfeit and pay any sum not exceeding ten pounds nor less than five pounds, to be levied and applied in the same manner as the other penalties imposed by this Act.

Penalty.

XVI. And be it further enacted, That in all cases where any penalties and forfeitures incurred for any offence committed against this Act, shall and may be recoverable before one or more justices of the peace, or before any other magistrate above mentioned, every such justice or other magistrate above mentioned, is hereby required to administer an oath, and upon proof of any such offence, shall give judgment or sentence for the forfeiture or penalty incurred, and for the reasonable costs and charges of the prosecution; and if the same shall not be paid, shall commit the person or persons so convicted to the common gaol or house of correction for the said county, shire, borough, town corporate or place for any time not exceeding three months nor less than one month, at the discretion of the said justice or other magistrate above mentioned, unless such person or persons shall enter into such recognizance with such surety before such justices or justice, or other magistrate as herein before mentioned.

Penalties how recovered.

XVII. And be it further enacted, That if any such justice, or other magistrate above mentioned, before whom any person shall have been convicted for any offence against the provisions of this Act, shall see cause to mitigate such penalty, every such justice or other magistrate above mentioned, may mitigate or lessen the same to any sum not exceeding one moiety of the penalty or forfeiture incurred, over and above all reasonable costs and charges expended or incurred in the prosecution; and that one half either of the whole or of the moiety of such penalty, with the said costs and charges, shall be paid to the informer for his own behoof, or to be at his disposal for publick purposes, except in the special cases above provided for, and the other half shall be paid to the trustees of the roads where such offence is committed, who are hereby required in consideration thereof to direct their surveyors to watch over the due execution of this Act, in the several roads to the superintendance of which they are respectively appointed.

Mitigation.

How applied.

XVIII. And be it further enacted, That if any person going or travelling as a guard to any coach, mail coach, or other carriage above described, shall fire off the arms he is entrusted with, either while such coach or other carriage is going on the road or going through or standing in any town, otherwise than for the defence of such coach or other carriage, or the passenger or passengers therein, every such person shall, for every such offence, forfeit and pay the sum of five pounds, to be recovered and applied in the same manner as the other penalties imposed by this Act.

Guard firing, except for defence.

Penalty.

XIX. And be it further enacted, That in case any person or persons committing any offence against the provisions of this Act, for which no specific penalties shall have been provided, he, she or they shall forfeit and pay, at the discretion of one or more justices of the peace or of any other magistrate above mentioned, any sum not exceeding ten pounds, nor less than fifty shillings, upon being convicted thereof on the oath or oaths of one or more credible witness or witnesses, before any justice of the peace or other magistrate above mentioned, acting in and for the county, riding, city, town, division, or place where the offence shall have been committed, or by any other justice of the peace residing in any county, riding, city, town, division or place in which the offender shall then actually be present, upon full and satisfactory proof being exhibited before such justice of the peace or other magistrate above mentioned, on the oath of one or more credible witness or witnesses (which oath or oaths as well the justice of the peace or other magistrate above mentioned acting in and for the county, riding, city, town, division or place where the offence shall have been committed, as such justices and other magistrates above mentioned as shall be resident in the county, riding, city, town, division or place where the offender shall actually be present, are hereby authorised and required to administer); and in default of payment of the penalty which shall have been awarded on the conviction of such offender, he shall for every such offence be committed to the common gaol or house of correction of the

Where no specific penalties, justices may impose them.

No. I. 50 Geo. III. c. 48.

county, riding, city, town, division or place where such offence shall have been committed, or of the county, riding, city, town, division or place where he shall actually be present (as the case may be), there to remain, without bail or mainprize, for any time not exceeding three calendar months, nor less than five days, at the discretion of the justice or justices by or before whom such offender shall be convicted.

Conniving at offences.

XX. And be it further enacted, That if any person or persons shall receive any sum or sums of money for conniving at any offence prohibited by this Act, either for any single offence or for a number of such offences, or by stipulation or agreement by the day, the week, the year, or any other period of time, and shall be duly convicted thereof before one or more justices, or before any other magistrate above mentioned, he, she or they shall forfeit the sum of fifty pounds for each offence, and in default of the payment thereof, shall be committed to any house of correction for any period not exceeding three months nor less than one month.

Penalty.

What carriages may carry additional number of passengers.

XXI. And whereas it would materially contribute to the safety of passengers if a great part of the luggage usually conveyed by stage coaches were conveyed in a much lower position than is generally the case at present, and the same restrictions in regard to the number of outside passengers on such stage coaches would not be so requisite, provided no luggage was carried by them, except in the manner hereinafter mentioned; Be it therefore further enacted, That all stage coaches, (long-bodied coaches included), carrying no parcels or luggage whatsoever, excepting in the inside or in the front boot thereof or in a boot behind or under the body of such carriage; and where the top of such boot behind, when the coach is empty, is not more than six feet from the ground, having obtained a special licence for that purpose, and having the name of the owner or owners, and the number of outside and inside passengers thereby allowed painted or inscribed thereon, shall be permitted to carry two outside passengers more than the number of outside passengers hereby limited with respect to other coaches or carriages above described, without subjecting the drivers, owners or proprietors of such coaches or other carriages to any of the penalties, forfeitures, fines or punishments imposed or authorised to be imposed by this Act; any thing herein contained to the contrary notwithstanding.

Limitation of actions.

XXII. And be it further enacted, That any prosecution for any offence committed against the provisions of this Act, shall be commenced within the space of fourteen days after the offence shall have been committed, and that there shall be but one recovery for the same offence, except where the owner or owners of stage coaches or other carriages above described, are required to paint their names or name or sign, and to preserve the same in a clear or legible state, in which case such prosecution may be commenced at any time, and any neglect in remedying the same for the space of one month shall be considered a new offence.

XXIII. 'And whereas a certain number of hackney coaches work by 'permission as stated stages, and which as well as other hackney coaches 'are licensed by and have been hitherto under the regulations and con- 'troul of the commissioners for licensing and regulating hackney coaches, 'the same stated stages being numbered to all intents and purposes hack- 'ney coaches, yet for the public convenience are exempted from the ordi- 'nary street work of hackney coaches, and permitted to be employed and 'driven certain prescribed routes at fixed hours between the metropolis 'and certain villages and places in its vicinity: And whereas the said stated 'hackney coach stages as well as the hackney coaches in general, and the 'owners and drivers thereof respectively, are in all respects under the regu- 'lation and controul of the said commissioners for licensing and regulating 'hackney coaches; and it is inexpedient and unnecessary that any of the 'provisions of this Act should be applied to such hackney coaches and 'hackney coach stages before mentioned;' Be it therefore further enacted, That nothing in this Act contained shall extend to, or be construed to extend to affect such hackney coaches or their owners or drivers respectively, as now are or hereafter may be licensed by the said commissioners for licensing and regulating hackney coaches, whether such coaches be so

Hackney coach stages exempted.

licensed to be used and driven in the ordinary and indiscriminate work of hackney coaches in general, in and about the streets and places within which such hackney coaches are by law compellable to go or be driven, or are or may be licensed expressly for the purpose of being employed and driven as hackney coach stages between the metropolis and certain villages and places in the vicinity thereof; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Forms of proceedings.

XXIV. And be it further enacted, That the forms of the proceedings relative to the several matters contained in this Act, which are set forth and expressed in the schedule hereunto annexed, may be used upon all occasions, and with such additions or variations as may be necessary to adapt them to the particular circumstances of the case, or the place where the prosecution for the offence shall take place; and that no objection shall be allowed to be made or advantage taken on account of want of form in any such proceedings; and that such conviction, unless appealed from within fourteen days in the manner hereinafter mentioned, shall be final and conclusive.

Want of form.

Appeal

XXV. Provided always, and be it further enacted, That if any person shall find him, her, or themselves aggrieved by any determination, judgment, sentence or conviction, which any justice or justices of the peace or other magistrate above mentioned shall have given or made in any of the cases hereinbefore mentioned, and shall enter into a recognizance before such justice or justices or other magistrate, with one sufficient surety, the condition whereof shall be, that such person or persons do and shall appear before the Court of the next quarter-sessions for the county or other place where such determination, judgment, sentence or conviction shall have been given or made, then and there to abide the final order, judgment and sentence of such court on the matters aforesaid, then, and in every such case, such person or persons shall be at liberty to appeal to the next general quarter sessions of the peace to be holden for the said county or other place, who upon hearing the said appeal, shall have full power finally to determine the same, and to award such costs to the appellant or to the prosecutor or informer, as to such court shall seem fit to be awarded; and such last mentioned proceedings, final judgment and sentence, shall not be removable by writ of *certiorari* or otherwise into any other court.

Costs.

Certiorari.

Publick Act.

XXVI. And be it further enacted by the authority aforesaid, That this Act shall be deemed, adjudged and taken to be a Publick Act, and shall be judicially taken notice of as such by all judges, justices and other persons whomsoever, without specially pleading the same.

Act may be altered, &c.

XXVII. And be it further enacted, That this Act may be altered, varied or repealed by any other Act or Acts of Parliament in this present session of Parliament.

The SCHEDULE to which this Act refers.

FORMS of PROCEEDINGS mentioned in the foregoing Act.

Information.

BE it remembered, that on the day of one thousand eight hundred and A. B. of in the said county, informeth me one of his Majesty's justices of the peace for the said county, that [*here describe the offence particularly, and follow the words of the Act as near as may be*] contrary to the statute made in the fiftieth year of the reign of King *George* the Third, intituled, *An Act for* [*here insert the title of this Act*] which hath imposed a forfeiture of for the said offence. Received the day of by me

C. D.

No. I.
50 Geo. III. c. 48.

Summons for any Person or Persons to attend a Justice of the Peace or other Magistrate.

To A. B. of

WHEREAS complaint and information hath been made before me C. D. one of his Majesty's justices of the peace for the said [*county, et cetera*] That, *et cetera* [*here state the nature and circumstances of the case, as far as it shall be necessary to show the offence and to bring it within the authority of the justice, and in doing that follow the words of the Act as near as may be*] These are therefore to require you personally to appear before me, or such other of his Majesty's justices of the peace for the said [*county, et cetera*] on the day of next, at the hour of in the noon, to answer the said complaint and information; and further to do and receive what to the law shall appertain. Herein fail not. Given under my hand and seal this day of one thousand eight hundred and

Form of Conviction.

BE it remembered, That on the day of in the year of our Lord one thousand eight hundred and at in the county of aforesaid, A. B. came before me C. D. one of his Majesty's justices of the peace for the said county, *et cetera*, and informed me, That, *et cetera* [*here set forth the fact in the manner described by the Act*] whereupon the said E. F. after being duly summoned to answer the said charge, appeared before on the day of at in the said county; and having heard the charge contained in the said information, declared that he was not guilty of the said offence; but the same being fully proved on the oath of G. H. a credible witness, it manifestly appears to me the said justice, that he the said E. F. is guilty of the offence charged upon him in the said information; it is therefore considered and adjudged by me the said justice, that he the said E. F. be convicted, and I do hereby convict him of the offence aforesaid; and I do hereby declare and adjudge, that he the said E. F. hath forfeited the sum of of lawful money of *Great Britain*, for the offence aforesaid, to be distributed as the law directs, according to the form of the statute in that case made and provided. Given under my hand and seal, the day of one thousand eight hundred and

[*After the words* " being duly summoned to answer the said charge," *insert* [did not appear before me pursuant to the said summons] *or* [did neglect and refuse to make any defence against the said charge, but the same being fully proved, *et cetera*] *as before: After the words* " contained in the said information," *insert* [acknowledged and voluntarily confessed the same to be true, and it manifestly appears to me the said justice, *et cetera*] *as above.*]

[No. II.] 1 George IV. c. 4.—An Act for punishing criminally Drivers of Stage Coaches and Carriages for Accidents occasioned by their wilful Misconduct.—[*6th June* 1820.]

No. II.
1 Geo. IV. c. 4.

50 G. 3. c. 48.

WHEREAS by an Act passed in the fiftieth year of the reign of his late Majesty, intituled, *An Act to repeal three Acts, made in the twenty-eighth, thirtieth, and forty-sixth Years of his present Majesty, for limiting the Number of Persons to be carried outside of Stage Coaches or other Carriages, and to enact other Regulations for carrying the Objects of the said Acts into Effect;* divers regulations and penalties were established and imposed to carry into effect the useful and highly important purposes thereby intended: And whereas it is expedient to extend the provisions of the said Act, and to punish criminally coachmen, or persons having the care of stage coaches and other public carriages carrying passengers for hire, for accidents occasioned by their wilful misconduct, as hereinafter mentioned:

No. II. 1 Geo. IV. c. 4.

May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That if any person whatever shall be maimed or otherwise injured by reason of the wanton and furious driving or racing, or by the wilful misconduct of any coachman or other person having the charge of any stage coach or public carriage, such wanton and furious driving or racing, or wilful misconduct of such coachman or other person, shall be and the same is hereby declared to be a misdemeanor, and punishable as such by fine and imprisonment: Provided always, that nothing in this Act contained shall extend or be construed to extend to hackney coaches, being drawn by two horses only, and not plying for hire as stage coaches.

Persons occasioning accidents by furious driving declared guilty of a misdemeanor.

[No. III.] 3 George IV. c. 95.—An Act to reduce the Rate of Duties payable in respect of certain Carriages used and employed for the Purpose of conveying Passengers for Hire, and to make Regulations and Provisions relating to Stage Coaches and the Duties thereon.—[30*th July* 1822.]

No. III. 3 Geo. IV. c. 95.

WHEREAS it is expedient, in certain cases, to reduce the rate of duties now payable in respect of certain carriages, and to regulate the rate of the said duties in respect of certain other carriages used or employed for the purpose of conveying passengers for hire, granted and imposed by an Act and schedule thereto made and passed in the fifty-fifth year of the reign of his late Majesty King *George* the Third, intituled *An Act for repealing the Stamp Office Duties on Advertisements, Almanacks, Newspapers, Gold and Silver Plate, Stage Coaches, and Licences for keeping Stage Coaches, now payable in* Great Britain, *and for granting new Duties in lieu thereof;* and it is also expedient to carry into effect the power given to the commissioners of stamps to require, that instead of the inscription mentioned in an Act made and passed in the fiftieth year of the reign of his said late Majesty, intituled *An Act to repeal Three Acts, made in the Twenty-eighth, Thirtieth, and Forty-sixth Years of His present Majesty, for limiting the Number of Persons to be carried on the Outside of Stage Coaches or other Carriages, and to enact other Regulations for carrying the Objects of the said Acts into effect,* a plate made of brass or other metal should be fixed upon the side of every coach or carriage, as far as the said last-mentioned Act directs a distinct number to be put upon such plate; and it is also expedient that further provisions should be made for better securing and facilitating the recovery of the duties upon stage coaches and other carriages used for the purpose of conveying passengers for hire: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the first day of *September* one thousand eight hundred and twenty-two, the duties mentioned in the schedule annexed to the said Act of the fifty-fifth year of the reign of his said late Majesty, and thereby made payable upon stage coaches or other carriages with two or more wheels, which should be employed as public stage coaches or carriages for conveying passengers for hire to or to and from any place or places in *Great Britain,* as far as the same relates to carriages or vehicles drawn by one or two horses, and not being upon or having the aid or assistance of any spring or springs, or (if drawn by one horse) being upon or having the aid or assistance of any spring or springs, or if drawn by two or more horses, and such carriages or vehicles shall be made for the accommodation of one description of passengers only, not distinguishing between inside and outside passengers, and shall be upon or have the aid or assistance of any spring or springs, shall cease, determine, and be repealed; save and except as to so much and such part of the said duties as shall have become due or payable before or upon the said first day of *September,* and shall remain in arrear or unpaid afterwards.

55 G. 3. c. 185.

50 G. 3. c. 48.

Duties on certain Stage Coaches repealed.

No. III. 3 Geo. IV. c. 95.

New Duties.

II. And be it further enacted, That from and after the said first day of *September*, in lieu of so much of the said duties hereby repealed, there shall be raised, levied, collected, and paid unto and for the use of his Majesty, his heirs and successors, in and throughout the whole of *Great Britain*, the rates and duties or sums of money following; (that is to say,) for and in respect of any carriage or vehicle with two or more wheels, not being upon or not having the aid or assistance of any spring or springs of any kind whatsoever, and which shall be kept, used, employed, or let out for the purpose of conveying passengers for hire, to or from or from and to different places in *Great Britain*, and drawn by one horse only, for every mile that any such carriage or vehicle shall be licensed to travel, the sum of one penny; any such carriage or vehicle as above described, drawn by two horses only, for every mile that such carriage or vehicle shall be licensed to travel, the sum of two-pence; any carriage or vehicle drawn by one horse only, being upon or having the aid or assistance of any spring or springs of any kind whatsoever, which shall be kept, used, employed, or let out for the purpose of conveying passengers for hire as aforesaid, for every mile that any such carriage or vehicle shall be licensed to travel, the sum of one penny half-penny; any carriage or vehicle drawn by two horses only, being upon or having the aid or assistance of any spring or springs of any kind whatsoever, but which shall be made for the accommodation of one description of passengers only, not distinguishing between inside and outside passengers, and which shall be kept, used, employed, or let out for the purpose of conveying passengers for hire as aforesaid, for every mile that such carriage or vehicle shall be licensed to travel, the sum of three-pence; any such carriage or vehicle as last aforesaid, drawn by three or more horses, for every mile that such carriage or vehicle shall be licensed to travel, the sum of four-pence half-penny.

Plates to be placed on Carriages.

III. And be it further enacted, That immediately from and after the passing of this Act, the commissioners of stamps in *Great Britain*, or the major part of them, are hereby directed and required to provide proper and sufficient plates, at the expence of the person or persons applying for a licence to keep, use, employ, or let out any carriage or vehicle for the purpose of conveying passengers for hire to or to and from any place or places in *Great Britain*, each plate or pair of plates having thereupon a distinct number, to be named by the said commissioners, for the purpose of being fixed or placed upon the door, or if more than one, upon each door, or upon some other part or parts of every carriage or vehicle used, employed, or let out for the purpose of carrying and conveying passengers for hire as aforesaid, (except mail coaches and hackney coaches duly licensed by the commissioners of hackney coaches, or under any local Act or Acts relating to hackney coaches, and not licensed by the said commissioners of stamps); and to alter and renew such plate or plates from time to time, as the said commissioners of stamps shall think necessary, or as occasion shall require; and the said commissioners, or any other persons authorized so to do, granting any such licence as aforesaid, are hereby required and directed to deliver to the person or persons applying for such licence, at the time of granting the same, or at any other time, as occasion may require, such plate or plates to be placed or fixed upon every such carriage or vehicle as aforesaid, and to insert or cause to be inserted in the said licence, the number of the plate or plates so delivered in respect of such carriage or vehicle in respect of which such licence shall be granted.

Plates to be affixed on each Door of such Carriages.

IV. And be it further enacted, That from and after the thirty-first day of *August* one thousand eight hundred and twenty-two, it shall not be lawful for any person or persons to use, employ, or let out, or to permit or suffer to be used, employed, or let out, any carriage or vehicle for the purpose of conveying passengers for hire as aforesaid, before fixing or placing, or causing to be fixed or placed on the door, or if more than one, upon each door, or if there be no door, upon one of the pannels on each side of such carriage or vehicle, or if there be no pannels, then upon some conspicuous part or parts of such carriage or vehicle, one of the plates

hereby required to be fixed and placed thereupon; and in case such plate shall at any time be broken or become illegible, the person or persons to whom any such licence as aforesaid shall be granted, shall, within three days after such plate shall be broken or become illegible, apply to the said commissioners of stamps, or to the person authorized to grant such licence, for a new plate or new plates; and on delivery to the said commissioners, or to the person authorized to grant such licence, of the old plate or plates, or part thereof, it shall be lawful for the said commissioners of stamps, and they are hereby authorized and empowered, to deliver a new plate or new plates of the same, or any other number, to the person or persons whose plate or plates shall have been broken or become illegible as aforesaid, which new plate or new plates such person or persons is and are hereby directed and required, as soon as conveniently may be after the receipt thereof, to affix or place, or cause to be affixed or placed, on such carriage or vehicle, as by this Act is directed.

Penalty on not having such Plates, 20*l.*

V. And be it further enacted, That if any person or persons shall, from and after the said thirty-first day of *August*, keep, use, employ, or let out, or permit or suffer to be used, employed, or let out, any carriage or vehicle for the purpose of conveying any passenger or passengers for hire to or from or from and to different places in *Great Britain*, not having the plate or plates fixed or placed thereupon as hereby directed, or having any plate or plates fixed or placed on such carriage or vehicle as aforesaid, of a different or other number than that mentioned in the licence granted to such person or persons, or having any broken or illegible plate or plates on any such carriage or vehicle, such person or persons so offending in any or either of the said cases, shall forfeit, for every day on which such carriage or vehicle shall be so used, employed, or let out for hire, the sum of twenty pounds: Provided nevertheless, that nothing herein contained shall be construed to charge any person or persons with the said penalty of twenty pounds, to which he, she, or they may become subject, between the time of any such plate or plates having been broken or become illegible, and the time hereby allowed for affixing or placing a new plate or plates on such carriage or vehicle as aforesaid, in the place of any plate or plates that may have become broken or illegible.

What shall be deemed a Stage Coach.

VI. And be it further enacted, That every carriage or vehicle used, employed, or let out for the purpose of conveying passengers for hire to or from or from and to any place or places in *Great Britain*, and travelling at the rate of three or more miles in the hour, shall, without regard to the number of wheels or to the number of horses by which the same may be drawn, or to the number of passengers which the same shall or may be able or fitted to contain or carry, or to its being an open or close carriage, be deemed and taken to be a stage coach or carriage within the meaning of this Act, or any former Act or Acts of Parliament relating to the duties on carriages or vehicles kept, used, and employed, or let out for the purpose of conveying passengers for hire as aforesaid; provided the passenger or passengers to be carried or conveyed by any such carriage or vehicle, shall be charged or shall pay separate and distinct fares, or a separate and distinct fare, or be charged at the rate of separate and distinct fares, for his, her, or their place or seat, or places or seats therein, or conveyance thereby respectively.

What shall be deemed a Carriage or Vehicle within the Meaning of this Act.

VII. And be it further enacted, That in all actions, bills, plaints, informations, or proceedings, to be commenced, prosecuted, entered, or filed in any of his Majesty's courts of *Great Britain*, or before any justice of the peace or other magistrate whatsoever in *Great Britain*, against any person or persons, for the recovery of any duty, fine, penalty, or forfeiture incurred under or by force of this Act, or any former Act or Acts of Parliament relating to the duties on carriages or vehicles, kept, used, employed, or let for the purpose of conveying passengers for hire as aforesaid, if evidence shall be offered and given that the carriage or vehicle in respect of which, or in any manner relating to which any such action, bill, plaint, information, or proceeding shall be commenced, prosecuted, entered, or filed, was seen travelling or going upon any turnpike road or

No. III. 3 Geo. IV. c. 95.

public highway in *Great Britain*, such carriage or vehicle having fixed or placed thereupon a plate or plates as required by this Act to be fixed or placed upon carriages or vehicles used, employed, or let out for the purpose of conveying passengers for hire, or having painted or marked thereupon any of the particulars required by any former Act or Acts of Parliament relating to such carriages or vehicles, such carriages or vehicles shall (unless the contrary be proved) be deemed and taken to be a carriage or vehicle kept, used, employed, and let out for the purpose of conveying passengers for hire to or from or from and to different places in *Great Britain*; and that in all such actions, bills, plaints, informations, or proceedings, the person or persons described in the licence granted in respect of such carriage or vehicle shall (unless the contrary be proved) be considered as the person or persons to whom such carriage or vehicle doth belong, and shall be liable to the duty or duties, penalty or penalties, imposed by this Act, or any former Act or Acts of Parliament relating to the duties on such carriages or vehicles as aforesaid.

Persons authorized to examine Plates, may enter Toll Houses.

VIII. And be it further enacted, That it shall and may be lawful for any person or persons duly authorized to examine the plates by this Act directed to be fixed and placed upon carriages or vehicles used or employed for the purpose of conveying passengers for hire, from time to time to enter into and remain in any toll house or other place, at the gate or bar of which any toll is by law payable, for the purpose of examining such plates.

Penalty on Toll Collectors or others impeding Persons executing this Act, 20*l*.

IX. And be it further enacted, That if any toll collector or toll gate keeper, or any other person or persons, shall refuse to permit any person or persons authorized to examine the plates directed to be fixed and placed upon carriages or vehicles, used, employed, or let out for the purpose of conveying passengers for hire, from time to time to enter into and remain in any toll house or other place, at the bar or gate of which any toll is by law payable; or shall obstruct or hinder or molest such person or persons in entering into and remaining in such toll house or place as aforesaid, for the purpose of examining such plates; or if any toll collector or toll gate keeper, or any other person or persons, shall in any way hinder, molest, interrupt, or disturb any such person or persons authorized to examine such plates, in the reasonable use of such toll house or other place as aforesaid, for the purpose aforesaid, every such toll collector or toll gate keeper, and every person aiding and assisting such toll collector or toll gate keeper, and every person offending in any of the cases aforesaid, shall for every such offence forfeit the sum of twenty pounds.

Carriages, Horses, &c., made liable for the Payment of the Duty.

X. And whereas it is expedient that all and every the carriages or vehicles aforesaid, for or in respect or on account whereof the duty which shall become due and payable by virtue of this Act, and the said Act of the fifty-fifth year of his said late Majesty, and the schedule thereto; and also all and every horse and horses, harness, and other articles and things used and employed for the purpose of drawing such carriages or vehicles, should be made subject and liable to the duties in arrear and owing from time to time, by the person or persons to whom any such licence so herein mentioned shall be granted; be it therefore further enacted, That from and after the said thirty-first day of *August*, every carriage or vehicle for or in repect or on account whereof any duty is imposed, or which shall become due and payable under or by virtue of this Act, or by the said Act of the fifty-fifth year of the reign of his said late Majesty, and the schedule thereto, and all and every the horse or horses, and harness, and all other articles and things used or employed for the purpose of drawing such carriage or vehicle as aforesaid, in the custody and possession of the person or persons, or any of them, to whom any such licence shall have been granted as aforesaid, or in the custody or possession of any other person or persons, to the use and for the account of or in trust for such person or persons, to whom any such licence shall have been granted as aforesaid, or any of them, shall be and the same are hereby made subject and liable to, and chargeable with all the duties in arrear and owing, or which shall become due and payable from time to

time from or by such person or persons, for or in respect of such carriage or vehicle kept, used, or employed by him, her, or them respectively, for the purpose of conveying passengers for hire as aforesaid.

For punishing Coachmen or Guards for endangering the Lives of Persons by Intoxication or furious Driving, &c.

XI. And whereas by the said recited Act of the fiftieth year of the reign of his late Majesty King *George* the Third, it was (amongst other things) enacted, that in case the driver of any such coach, mail coach, or other carriage, as therein described, or the person acting as guard, should, by intoxication, or by negligence or other misconduct (unavoidable accidents always excepted) endanger the safety of the passengers in their lives, their limbs, or their property, then and in every such case the driver or guard (as the case may be) so offending, and being convicted thereof by his own confession, the view of a justice (in any case applicable thereto), or the oath or oaths of one or more credible witness or witnesses, before any justice or other magistrate as therein mentioned, should forfeit and pay a sum not less than five pounds nor more than ten pounds for every such offence; and in case of non-payment, every such justice or other magistrate above mentioned, were thereby authorized to commit such offender to the common gaol or house of correction for the county, riding, city, town, division, or place where such offence should have been committed, there to remain without bail or mainprize for any time not exceeding six months nor less than three months, at the discretion of the justice or other magistrate above mentioned, by or before whom any such offender should be convicted: And whereas it is expedient to extend the powers given by the said recited Act; be it therefore further enacted, That if the coachman, guard, or other person having the care of any such coach, mail coach, or other carriage or vehicle as aforesaid, or employed in, upon, or about the same, shall, by intoxication, or wanton and furious driving, or any other wilful misconduct on the public highway, injure or endanger any person or persons whatever in his, her, or their life or lives, limbs, or property, every such coachman or person as aforesaid so offending, shall for every such offence be liable to the same or the like fine or penalty, to be levied, mitigated, and applied in the same or the like manner as in and by the said recited Act was mentioned and provided with respect to the offences therein specified; provided that nothing in this Act contained shall extend to or be construed to extend to affect hackney coaches or chariots, or their owners or drivers respectively, duly licensed by the commissioners of hackney coaches.

Informations to be laid against the nearest Proprietor.

XII. And whereas in cases where such carriages or other vehicles are employed for the conveyance of passengers and goods between places lying distant from each other, it usually happens that the property in such carriages or other vehicles is in several persons, who reside at different points of the line of journey performed by such carriage or other vehicle, and the residences of some of whom is at a great distance from some of the places through which such carriage or other vehicle passes, or at which it arrives, and by reason of such distance such last-mentioned proprietor or proprietors have not the means of exercising the same superintendence and controul over the management of such carriage or other vehicle, in distant parts of its journeys, as such of the proprietor or proprietors as have their residence nearer thereto: And whereas it is expedient, that in all cases of informations and convictions for offences against this Act or any former Act, such information and conviction should be had and laid against such one or more of the owner or owners, proprietor or proprietors of such carriages or other vehicles, as are resident nearest to the place where the offence shall be committed; be it therefore enacted, That from and after the passing of this Act, all summonses, informations, and convictions, which shall be issued, laid, or prosecuted against any owner or owners, proprietor or proprietors of any coach, carriage, or other vehicle, under or by virtue of this Act, or any former Act, for the recovery of any fine or penalty hereby or thereby imposed, shall in all cases in which there shall be more than one such owner or proprietor, and when such owners or proprietors shall reside in different counties (the residence of such owner or proprietor being ascertained by the entry at the stamp office, or other place from which the licence to such

No. III. 3 Geo. IV. c. 95.

owner or proprietor was issued,) be so issued, laid, or prosecuted against such one or more of the said owners or proprietors as shall reside in the county or place in which, or nearest to which the offence proceeded against shall have been or shall be alleged to have been committed; and that in all such cases as aforesaid, this present Act shall and may be allowed and pleaded in bar to the conviction of any such owner or owners, proprietor or proprietors as aforesaid, other than and except of such owner or owners, proprietor or proprietors, whose residence shall be in the county or place in which, or nearest to which, the offence so proceeded against shall have been or shall be alleged to have been committed; any thing herein or in any former Act contained to the contrary thereof notwithstanding.

If Drivers of Stage Coaches take up Passengers after entering the paved Streets of London, &c., they shall be deemed Persons plying for Hire under 1 G. 1. c. 57.

XIII. And whereas difficulties have arisen in proceedings for penalties under a certain Act made and passed in the first year of the reign of King *George* the First, intituled *An Act for better regulating Hackney Coaches, Carts, Drays, and Waggons, within the Cities of* London *and* Westminster, *and the Weekly Bills of Mortality; and for preventing Mischiefs occasioned by the Drivers riding upon such Carts, Drays, Cars, and Waggons;* by reason of the person or persons giving information being unable to prove the payment of the fare paid or to be paid by any person or persons carried in or upon any coach or other carriage used for the purpose of conveying passengers for hire; be it further enacted and declared, That from and after the passing of this Act, in all cases where any coach or other carriage used for the purpose of conveying passengers for hire, shall take up any passenger or passengers after such coach or other carriage shall have entered the paved streets of *London, Westminster,* or the borough of *Southwark,* and shall carry and convey such passenger or passengers along the said paved streets, or any of them, the proprietor of such coach or carriage, or the driver thereof, shall be deemed and taken to be a person standing, driving, and plying for hire within the meaning of that Act, unless the contrary shall be shown.

Licences now in force to continue till 31st August 1822.

XIV. And whereas all licences which before the passing of this Act may have been granted, authorizing any person or persons to keep or employ any carriage or vehicle, to be employed as a public stage coach or carriage for conveying passengers for hire to and from different places in *Great Britain,* and which at the time of passing this Act will be in force, will, under and by virtue of an Act made and passed in the fifty-third year of the reign of his said late Majesty King *George* the Third, intituled *An Act for altering, explaining, and amending an Act of the Forty-eighth Year of His Majesty's Reign, for granting Stamp Duties in* Great Britain, *with regard to the Duties on re-issuable Promissory Notes, and on Conveyances on the Sale and Mortgage of Property; for better enabling the Commissioners of Stamps to give Relief in Cases of Spoiled Stamps, and to remit Penalties for exempting certain Instruments from Stamp Duty; and for better securing the Duties on Stage Coaches,* expire on the thirty-first day of *July* in the present year: And whereas it is expedient to keep all such licences in force for the space of one calendar month beyond that day; be it therefore further enacted, That all such licences shall be and remain in full force and effect for the space of one calendar month next after the said thirty-first day of *July;* and that all licences to be granted at any time after the passing of this Act, and before the first day of *August* in the year of our Lord one thousand eight hundred and twenty-three, shall terminate and expire on the thirty-first day of *July* in that year.

53 G. 3. c. 108.

Powers of former Acts relating to Duties on Stage Coaches, &c., extended to this Act.

XV. And be it further enacted, That all the powers, provisions, clauses, regulations, and directions, fines, forfeitures, pains, and penalties, contained in and imposed by the several Acts of Parliament, or any of them, relating to the duties upon stage coaches, or other carriages used for the purpose of conveying passengers for hire, shall be of full force and effect with respect to the duties hereby granted, as far as the same are or shall be applicable, in all cases not hereby expressly provided for; and shall be observed, applied, enforced, and put in execution for the raising, levying, collecting, and securing the duties on carriages or vehicles kept, used, employed, or let out for hire, for the purpose of conveying passengers as

aforesaid, granted by the said Act of the fifty-fifth year of the reign of his said late Majesty and the schedules thereto, and the said duties hereby granted, so far as the said Acts of Parliament, or any of them, shall not be repealed or be superseded by, and shall be consistent with the express provisions of this Act, as fully and effectually to all intents and purposes as if the same had been herein repeated and specially enacted with reference to the said duties granted by the said Act of the fifty-fifth year of the reign of his said late Majesty, and the said schedule thereto, and also to the duties hereby granted.

No. III. 3 Geo. IV. c. 95.

[No. IV.] 7 George IV. c. 33.—An Act to make further Regulations relating to the Licensing of Stage Coaches.—[5th *May* 1826.]

No. IV. 7 Geo. IV. c. 33. 25 G. 3. c. 51.

WHEREAS it is expedient to repeal certain parts of an Act passed in the twenty-fifth year of the reign of his late Majesty King *George* the Third, intituled *An Act for repealing the Duties on Licences taken out by Persons letting Horses for the Purposes of Travelling Post, and on Horses let to Hire for travelling Post and by Time, and on Stage Coaches, and for granting other Duties in lieu thereof; and also additional Duties on Horses let to Hire for travelling Post and by Time;* and also to limit the number of passengers allowed to be carried for hire in any carriage or vehicle drawn by one horse, and to make further provision respecting the plates directed to be placed upon carriages or vehicles used for the purpose of conveying passengers for hire, and to provide for the better protection and recovery of the duties payable in respect of such carriages or vehicles: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act, so much of the said recited Act as enacts, that all and every person or persons licensed to let out for hire any coach, diligence, or other carriage, shall give security by bond to his Majesty, his heirs and successors, in the sum of twenty pounds, or in treble the sum to which the journeys inserted in such licences for one month would amount unto; and also so much of the said Act as enacts that no person or persons licensed as thereby directed, shall, by virtue of one licence, keep more than one coach, diligence, or other carriage, shall be and the same is hereby repealed.

So much of recited Act as directs that Persons letting Coaches to Hire, shall give bond, and that one Licence shall apply to one Coach only, repealed.

II. And be it further enacted, That from and after the passing of this Act it shall not be lawful for any person or persons licensed to keep, use, employ, and let out any carriage or vehicle for the purpose of conveying passengers for hire at separate fares, having four wheels, and to be drawn by one horse or mule only, to carry or convey therein or thereby more than six passengers, or having two wheels, and to be drawn by one horse or mule only, to carry or convey therein or thereby more than four passengers.

Limiting the Number of Passengers to be carried for Hire in Vehicles drawn by One Horse.

III. And be it further enacted, That when any person or persons to whom any licence to keep, use, employ, and let out any carriage or vehicle for the purpose of conveying passengers for hire shall have been granted, shall, at the time of paying his, her, or their monthly account of duties, be desirous of giving up such licence, or of altering or varying the journey or number of journeys mentioned in the first licence, or the mode of performing such journey or journeys, he, she, or they may give notice in writing to that effect at the office or place at which his, her, or their licence was granted, or to the person authorized to receive such duties, the terms of which notice shall be indorsed upon the back of such his, her, or their licence; and when such licence shall be given up, and the plate or plates mentioned in such licence re-delivered to the commissioners of stamps, or to any person authorized to receive the same, and the use, employment, or letting out for hire of such carriage or vehicle as aforesaid be discontinued, such person or persons shall not be charged or chargeable with the duties payable in respect of such carriage or vehicle subsequently to the

Mode of Proceeding on giving up or altering Licences.

No. IV. 7 Geo. IV. c. 33.

expiration of such notice; and when the number of journeys mentioned in such licence, or indorsed thereupon, shall have been altered or varied, such person or persons shall, at the expiration of such notice, be charged and chargeable with the duties payable in respect of the journeys thereafter to be performed by such carriage or vehicle: Provided always, that no licence shall cease under or by virtue of any notice to be given at a less period than one month after the first using, employing, or letting out to hire any carriage or vehicle under the said licence, but that duty in respect of such carriage or vehicle shall at least be paid for one month after the first using, employing, or letting out to hire the same, according to the number of miles, as expressed in the said licence, to be travelled by such coach or vehicle in the course of any one week of the said month, in the same manner as if the said carriage or vehicle had been used, employed, and let out to hire for the whole period of one month; and the amount of duties for that month shall, if necessary, be claimed and described as a debt due to his Majesty, his heirs and successors, and shall and may be sued for and recovered accordingly.

Not less than a Month's Duty to be paid on any Licence.

Plates to be furnished gratis.

IV. And be it further enacted, That from and after the passing of this Act the commissioners of stamps are hereby directed and required to deliver *gratis* to the person or persons taking out a licence for the first time, the plate or plates required by an Act passed in the third year of the reign of his present Majesty, intituled *An Act to reduce the Rate of Duties payable in respect of certain Carriages used and employed for the Purpose of conveying Passengers for Hire, and to make Regulations and Provisions relating to Stage Coaches, and the Duties thereon*, to be placed upon the coach or vehicle mentioned in such licence; and also to deliver *gratis* to the person or persons taking out any fresh licence, upon the alteration of the name or names of the person or persons mentioned in the former licence, or of the description of the journey or journeys to be performed by the coach or vehicle therein mentioned, or upon the alteration of the number of such plate or plates, by reason of the former number having become illegible, or of one or both plates having been broken or lost, or upon any other occasion which may require a new plate or plates.

3 G. 4. c. 95.

Separate Licence for every Plate or Pair of Plates.

V. And be it further enacted, That from and after the passing of this Act it shall not be lawful for any person or persons licensed to keep, use, employ, or let out any carriage or vehicle for the purpose of conveying passengers for hire as aforesaid, to use more than one plate or one pair of plates by virtue of one licence, but that for every plate or pair of plates there shall be a separate and distinct licence.

Where Plates to be fixed.

VI. And be it further enacted, That from and after the thirty-first day of *July* next after the passing of this Act, the plate or plates required by the said Act of the third year of his present Majesty to be fixed and placed upon the door or doors of any carriage or vehicle, shall be placed on the centre of the pannel or pannels of such door or doors, or upon each of the fore quarters of such carriage or vehicle, at the lower angle of such fore quarter, adjoining such doors respectively; or if there be no door to such carriage or vehicle, then, if the same shall be drawn by two or more horses, upon one of the pannels of each side of such carriage or vehicle, or if the carriage or vehicle shall be drawn by one horse only, then upon the centre of the hind part or pannel of such carriage or vehicle, or if there be no door to such carriage or vehicle, then upon some conspicuous part of such carriage or vehicle; or if the said commissioners of stamps, or any person authorized by them to collect the stage coach duties, or any of their inspectors or other officers, shall be dissatisfied with the position of the plate or plates, and shall direct the same to be placed on some other conspicuous part of such carriage or vehicle, then such plate or plates shall be fixed and placed upon such part of such carriage or vehicle, according to such direction.

Commissioners may require illegible Plates to be given up for new ones.

VII. And be it further enacted, That when any of the numbers marked on any plate or plates shall, in the opinion of the said commissioners of stamps, or of any person authorized by them to receive the stage coach duties, or of any of their inspectors or officers, have become illegible, it shall be lawful for the said commissioners or other person authorized as

aforesaid, or any inspector or officer as aforesaid, and they are hereby required, to give notice to the person or persons to whom the licence relating to the said plate or plates shall have been granted, that the number upon such plate or plates is illegible, and the person or persons to whom such licence shall have been granted is and are hereby required, within three days after such notice shall have been given, to deliver up to the said commissioners of stamps, or to the proper officer duly authorized to grant licences, such illegible plate or plates, and apply for a fresh licence, and a new plate or new plates.

Duties to be payable according to the Licences, unless it shall be shown that such Amount is not due.

VIII. And be it further enacted, That in all actions, bills, plaints, informations, or proceedings to be commenced, prosecuted, entered, or filed in any of his Majesty's courts of *Great Britain*, or before any justice of the peace or other magistrate whatsoever, in *Great Britain*, against any person or persons, for the recovery of any duty payable in respect of any carriage or vehicle kept, used, employed, and let out for the purpose of conveying passengers for hire, the amount of duty, calculated according to the journey or number of journeys mentioned in the licence or licences relating to such carriage or vehicle, shall be deemed and taken to be the amount of duty due and payable in respect of such carriage or vehicle, unless such person or persons shall show that the amount of the said duty, or some part thereof, hath not become due and payable.

Penalty for forging or using forged Plates.

IX. And be it further enacted, That if any person shall forge, counterfeit, or resemble, or cause or procure to be forged, counterfeited, or resembled, any plate or any part of any plate, which shall have been provided or used in pursuance of this Act or any other Act, or shall wilfully fix or place, or cause, permit, or suffer to be fixed or placed, to or upon the door, or one of the doors, or upon any other part of any carriage or vehicle kept, used, employed, or let out for the purpose of conveying passengers for hire, any forged or counterfeited plate, or part of any plate, every such person shall for every such offence forfeit the sum of one hundred pounds.

Penalty for using Carriages with Plates not fixed, or for not giving up illegible Plates.

X. And be it further enacted, That if any person or persons to whom any licence to keep, use, employ, and let out any carriage or vehicle for the purpose of conveying passengers for hire shall be granted, shall, before using, employing, or letting out for hire any such carriage or vehicle, neglect to fix or place, or to cause to be fixed or placed, upon the said carriage or vehicle, in manner herein directed, the plate or plates directed to be fixed and placed thereon; or if such person or persons, after having received notice in manner herein-before mentioned, that the numbers on the plate or plates are illegible, shall not, within three days after such notice shall have been given, deliver up such illegible plate or plates, and apply for a fresh licence and a new plate or plates, as herein-before directed, and fix or place the same upon the carriage or vehicle in manner herein directed, every such person or persons so offending shall for every such offence forfeit and pay the sum of twenty pounds.

Penalty for carrying more than the prescribed Number of Passengers.

XI. And be it further enacted, That if any person or persons licensed to keep, use, employ, and let out for hire as aforesaid, any carriage or vehicle having four wheels and drawn by one horse or mule only, shall carry or convey therein or thereby more than six passengers, or if any person or persons, licensed to keep, use, employ, and let out for hire any carriage or vehicle having two wheels and drawn by one horse or mule only, shall carry or convey therein or thereby more than four passengers, every such person so offending shall for every such offence forfeit and pay the sum of twenty pounds.

Persons using Carriages contrary to Licence, to be deemed to be using them without a Licence.

XII. And be it further enacted, That if any person or persons to whom any licence to keep, use, employ, and let out any carriage or vehicle for the purpose of conveying passengers for hire, shall, from and after the passing of this Act, permit or suffer such carriage or vehicle to perform a greater number of journeys than is allowed by such licence, or to be used for the performing any different journey or journeys, or a greater number of miles than is or are mentioned in such licence, or shall fix or place upon such carriage or vehicle a plate or plates, having a number different from that mentioned in the licence in force at the time of using such

No. IV. 7 Geo. IV. c. 33.

carriage or vehicle, such person or persons shall be deemed and taken to be a person or persons keeping, using, employing, and letting out a carriage or vehicle for the purpose of conveying passengers for hire, without having first duly obtained a licence within the true intent and meaning of the said recited Act of the twenty-fifth year of his late Majesty.

Penalty on Persons omitting any Journey in Account delivered under 25 G. 3. c. 51.

XIII. And be it further enacted, That if any person or persons duly licensed to use, employ, and let out any carriage or vehicle for the purpose of conveying passengers for hire as aforesaid, shall, in any account to be delivered by him, her, or them to the said commissioners of stamps, or such officer as they shall appoint in that behalf, under or by virtue of the said Act of the twenty-fifth year of his late Majesty, of the number of journeys actually made in a day by such carriage or vehicle, where the same shall differ from the number expressed in the licence, shall neglect or omit to insert therein any journey actually made by such carriage or vehicle, every such person or persons shall for every such journey so omitted forfeit and pay the sum of five pounds.

Penalty on Drivers concealing Plates.

XIV. And be it further enacted, That if any driver or other person having the care of any carriage or vehicle kept, used, or employed for the purpose of conveying passengers for hire as aforesaid, shall suffer the plate or plates fixed and placed thereon as hereby directed, to be concealed from public view by any coat, cloak, cloth, or other thing placed over it, such driver or other person having the care of such carriage or vehicle shall forfeit and pay the sum of five pounds; and in case such driver or other person having the care of such carriage or other vehicle shall not be known, or being known cannot be found, then and in every such case the owner or owners, proprietor or proprietors of such carriage or vehicle, shall be liable to such last-mentioned fine or penalty, in the same manner as if he or they had been driving or taking care of such carriage or vehicle at the time that such offence was committed.

In certain Cases, Owners to be liable to Penalty.

For Recovery of Duties where not exceeding 50*l.*

XV. And be it further enacted, That from and after the passing of this Act, if any person or persons liable to account for and pay any duty or duties granted by any Act or Acts, for or in respect of any carriage or vehicle kept, used, or employed for the purpose of conveying passengers for hire as aforesaid, shall refuse or neglect to account for and pay the same according to the directions of the said Acts, to the officer appointed by the said commissioners of stamps to receive such duties, where such duty or duties shall not exceed the sum of fifty pounds, it shall be lawful for any constable, tithingman, or other peace officer of the county, riding, division, city, town, or place where such carriage shall be kept, used, or employed for the purpose of conveying passengers for hire as aforesaid, first obtaining a warrant for that purpose under the hand and seal or hands and seals of any one or more of his Majesty's justices acting in and for such county, riding, division, city, town, or place, (which justice or justices, on complaint made to him or them, shall summon the party complained of, and the witnesses on either side, and examine into the matter of fact, and shall grant such warrant on due proof being made of the sum due and owing for such duty or duties as aforesaid, by the voluntary confession of the party, or by the oath of one or more witness or witnesses), to distrain such person or persons by his, her, or their goods and chattels for the amount of such duty or duties, and the distress so to be taken to detain and keep for the space of five days, at the costs and charges of such person or persons; and if he, she, or they shall not within that time pay the amount of such duty or duties, with the costs and charges of taking and keeping such distress, then the goods and chattels so distrained shall be sold by such constable, tithingman, or other peace officer, who shall render the overplus (if any) of the money arising by the sale thereof, after deducting and retaining the amount of such duty or duties, and the costs and charges of taking, keeping, and selling such distress, to the person or persons so to be distrained as aforesaid; and for the purpose of taking such distress, it shall be lawful for such constable, tithingman, or other peace officer, when any refusal or resistance shall be made, to break open in the day-time any house or place where any goods or chattels of such

persons or person shall be; and if no sufficient distress can be had or taken whereon to levy the said duties and charges, then such justice or justices shall commit such person or persons to the prison of such county, riding, division, city, town, or place, there to remain until such duties shall be fully paid and satisfied.

Penalties amounting to 10*l.* may be sued for by Action of Debt, &c.

XVI. And be it further enacted, That any pecuniary penalty imposed by this Act or the herein-before mentioned Acts, or either of them, which shall amount to the sum of ten pounds or more, shall or may be sued for in any of his Majesty's courts at *Westminster*, for any offence committed in *England* or *Wales*, or *Berwick-upon-Tweed*, and in his Majesty's Court of Exchequer in *Scotland*, for any offence committed in that part of *Great Britain* called *Scotland*, by action of debt, bill, plaint, or information, wherein no essoign, protection, privilege, wager of law, or more than one imparlance shall be allowed.

Penalty on Persons plying for Hire with Carriages not having Plates.

XVII. And be it further enacted, That if any carriage or vehicle shall be found standing or plying for passengers to be conveyed for hire at separate fares as aforesaid, upon any public highway, not having fixed or placed thereon a plate or plates as directed by this or any other Act to be fixed or placed upon carriages or vehicles kept, used, employed, and let out for the purpose of conveying passengers for hire, the owner, driver, or person having the care of any such carriage or other vehicle shall forfeit and pay any sum not exceeding twenty pounds; and it shall and may be lawful to and for any constable or constables, or other person or persons whomsoever, to take and seize such carriage or other vehicle not having such plate or plates, with the horses or other cattle drawing the same, and lodge the same for safe custody at some public green-yard, or some livery stables, or other place of safety, until some one or more of his Majesty's justices of the peace for the county, riding, division, city, town, or place, in which such offence shall be committed, shall hear and determine the same, and the penalty or penalties to which the owner, driver, or other person having the care of such carriage or other vehicle shall be liable and adjudged to pay for such offence, with the expences of taking and keeping such carriage and cattle at such green-yard, stables, or other place, shall be fully paid or discharged; and if such penalty or penalties be not forthwith paid, the said carriage or vehicle, horses or other cattle, together with the harness used therewith, so taken and seized, shall be immediately sold by order under the hand or hands of the said justice or justices, and the surplus, if any, shall be rendered to such owner, driver, or other person; any thing in this Act to the contrary thereof in anywise notwithstanding.

Justices may determine Offences where Penalty does not exceed 20*l.*

XVIII. Provided always, and it is hereby enacted, That it shall and may be lawful to and for any justice of the peace of any county, riding, division, city, town, or place, where the offence shall be committed, to hear and determine any offence against this Act or the herein-before mentioned Acts or any of them, which subjects the offender to any pecuniary penalty not exceeding twenty pounds, which said justice of the peace is hereby authorized and required, upon any information exhibited, or complaint made in that behalf, to summon the party accused, and also the witnesses on either side, and to examine into the matter of fact, and upon due proof made thereof, by voluntary confession of the party, or by oath of one or more credible witness or witnesses, to give judgment or sentence for the penalty or forfeiture, and to award and issue out his warrant under his hand and seal for the levying any pecuniary penalties or forfeitures so adjudged on the goods of the offender, and to cause sale to be made thereof in case they shall not be redeemed within five days, rendering to the party the overplus (if any); and where the goods of such offender cannot be found sufficient to answer the penalty, to commit such offender to prison, there to remain for the space of six months, unless such pecuniary penalty shall be sooner paid and satisfied: And if any person or persons shall find himself or themselves aggrieved by the judgment of any such justice, then he, she, or they shall and may (upon giving security to the amount of the value of such penalty and forfeiture, together with such costs as shall be awarded in case such judgment shall be affirmed,) appeal to

Appeal.

No. IV. 7 Geo. IV. c. 33.

the justices of the peace at the next general quarter sessions of the peace for the county, riding, division, city, town, or place, who are hereby empowered to summon and examine witnesses upon oath, and finally to hear and determine the same; and in case the judgment of such justices shall be affirmed, it shall be lawful for such justices to award the person or persons to pay costs occasioned by such appeal as to them shall seem meet: Provided always, that if the next general quarter sessions of the peace shall fall within six days after such conviction, it shall and may be lawful for the person so convicted, if he shall think fit, giving such security as aforesaid, to appeal to the next subsequent quarter sessions.

Carriages, Horses, &c., liable to be distrained for Duties and Penalties.

XIX. And be it further enacted, That all and every the carriages or vehicles kept, used, or employed for the purpose of conveying passengers for hire as aforesaid, and all and every horse and horses, or other cattle, harness, and other articles and things used and employed for the purpose of drawing such carriages or vehicles, shall and may be seized and distrained to satisfy any arrear of duty or duties due and owing from the owner or owners, driver or drivers thereof, or the person or persons having the care or custody thereof, or licensed to keep, use, or employ the same, and also to pay and satisfy any penalty or penalties to which any such owner or owners, driver or drivers, or other person or persons as aforesaid, may become liable to pay under or by virtue of this or the herein-before mentioned Acts of the twenty-fifth year of his late Majesty and the third year of his present Majesty.

Penalty on Witnesses not attending.

XX. And be it further enacted, That if any person or persons shall be summoned as a witness or witnesses to give evidence before such justice or justices of the peace, touching any of the matters relative to this Act, either on the part of the prosecutor or the person or persons accused, and shall neglect or refuse to appear at the time and place to be for that purpose appointed, without a reasonable excuse for such his, her, or their neglect or refusal, to be allowed of by such justice or justices of the peace, or appearing shall refuse to be examined on oath, and give evidence before such justice or justices of the peace before whom the prosecution shall be depending, that then every such person shall forfeit for every such offence the sum of five pounds, to be levied and paid in such manner and by such means as are herein-before directed as to other penalties.

Form of Conviction.

XXI. And be it further enacted, That a conviction in the form and to the effect following, *mutatis mutandis* (as the case shall happen to be), shall be good and effectual to all intents and purposes whatsoever, without stating the evidence, and without alledging more than the substance of the offence, in all cases wherein such justice of the peace hath power to convict by virtue of the present Act:

'BE it remembered, That on the day in the year of our Lord at in the county of *A. B.* came before me *C. D.* one of his Majesty's justices of the peace for the said county where the offence herein-after mentioned was committed, and informed me that *E. F.* of in the said county of [*here set forth the fact for which the information is laid*], whereupon the said *E. F.* being duly summoned to answer the said charge, appeared before me, (and having heard the charge contained in the said information, acknowledged and voluntarily confessed the facts therein stated to be true), but in his [*or* her] defence alleged [*here setting forth the substance of the defence*], *or* voluntarily confessed the said charge to be true, *or* did not make any defence against the said charge, whereupon the same was fully proved on the oath of *G. H.* a credible witness, *or* said that he [*or* she] was not guilty of the said offence, whereupon the same was fully proved on the oath of *G. H.* a credible witness, [*or as the case shall be*], *or* did not appear before me pursuant to the said summons, but the said charge was fully proved on the oath of *G. H.* a credible witness, [*or as the case shall be*]; and therefore it manifestly appearing to me that the said *E. F.* is guilty of the offence charged in the said in-

'formation, I do hereby convict him [*or* her] of the said offence, and do 'adjudge that he or she hath forfeited the sum of 'of lawful money of *Great Britain* for the offence aforesaid, to be distri- 'buted as the law directs, according to the form of the statute in such 'case made and provided. Given under my hand and seal the 'day of .'

Mitigation of Penalties.

Provided nevertheless, that it shall and may be lawful for the said justice or justices, when he or they shall see cause, to mitigate and lessen any such penalty or penalties as he shall think fit or reasonable, (costs and charges of the officers and informers, as well in making the discovery as in prosecuting the same, being always allowed over and above such mitigation,) and so as such mitigation do not reduce such penalties to less than one-fourth part of the penalty or penalties incurred over and above the said costs and charges; any thing herein contained to the contrary notwithstanding.

By whom Informations may be laid.

XXII. And be it further enacted, That it shall be lawful for any person or persons whatsoever to lay, make, and prosecute any information before any justice or justices of the peace against any person or persons for the recovery of any fine, penalty, or forfeiture made or incurred by virtue of this or any other Act or Acts of Parliament relating to carriages or vehicles kept, used, or employed to convey passengers for hire as aforesaid, any thing in any law or laws to the contrary thereof in anywise notwithstanding; and that all such pecuniary penalties shall be divided and distributed, if a prosecution or suit shall be commenced for the same within the space of six calendar months from the time of any such penalty being incurred, in manner following; (that is to say), one moiety thereof to his Majesty, his heirs and successors, and the other moiety thereof (with full costs of suit) to the person or persons who shall inform and sue for the same; and in default of such prosecution within six calendar months from the time of any such penalty being incurred, then the whole thereof shall belong to his Majesty, his heirs or successors; and such moieties and penalties shall be paid into the hands of his Majesty's solicitor of stamps for the time being.

Application of Penalties.

Penalties belonging to His Majesty to be received by Justices, and paid to the Clerk of the Peace at the next Sessions, who shall remit them to the Solicitor of Stamps.

XXIII. And be it further enacted, That every justice before whom any person or persons shall be convicted of any offence under or by virtue of this Act or the herein-before recited Acts, or either of them, shall take and receive the penalty or penalties, or share of the penalty or penalties belonging to his Majesty, levied or paid under or by virtue of such conviction; and that every such justice, his executors or administrators, shall pay or cause to be paid all such sums which he shall take or receive upon any conviction under or by virtue of this Act, or the Acts herein-before mentioned, or either of them as aforesaid, at the next general quarter sessions of the peace after he shall have so taken or received the same, into the hands of the clerk of the peace, or other such like officer of the county, riding, division, city, town, or place within which such conviction shall have been made, who is hereby directed to remit the same forthwith, without fee or reward, to the solicitor of stamps for the time being; and that every justice, his executors or administrators, shall immediately on such payment made to any clerk of the peace or other such officer, transmit to the said solicitor of stamps a schedule, containing the names of the persons so convicted, the day on which they were convicted, their respective offences, and the respective sums which were levied or paid under or by virtue of such conviction.

Justices to transmit to Solicitor of Stamps a Schedule of Convictions.

PART VI.—CLASS XXXV.

SWEARING.

[No. I.] 19 George II. c. 21.—An Act more effectually to prevent profane Cursing and Swearing.

No. I. 19 Geo. II. c. 21.

'FORASMUCH as the horrid, impious, and execrable vices of profane cursing and swearing (so highly displeasing to Almighty God, and loathsome and offensive to every Christian) are become so frequent and notorious, that unless speedily and effectually punished, they may justly provoke the Divine vengeance to increase the many calamities these nations now labour under: And whereas the laws now in being for punishing those crimes, have not answered the intents for which they were designed, by means of difficulties attending the putting such laws in execution:' For remedy whereof, may it please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the first day of *June* one thousand seven hundred and forty-six, if any person or persons shall profanely curse or swear, and be thereof convicted on the oath of any one or more witness or witnesses, before any one justice of the peace for any county, city, riding, division, or liberty, or before the mayor, justice, bailiff, or other chief magistrate of any city or town corporate, or by the confession of the party offending, every person or persons so offending, shall forfeit and lose the respective sums herein-after mentioned (that is to say);

The Penalty of profane cursing and swearing.

Every day labourer, common soldier, common sailor, and common seaman, one shilling;

And every other person under the degree of a gentleman, two shillings;

And every person of or above the degree of a gentleman, five shillings;

And in case any such person or persons shall, after conviction, offend a second time, every such person shall forfeit and lose double; and for every other offence after a second conviction, treble the sum first forfeited by any offender, for profane cursing and swearing as aforesaid.

Profane swearers in the hearing of any justice, &c., to be convicted without other proof.

II. And be it further enacted, by the authority aforesaid, That in case any person or persons shall profanely swear or curse, in the presence and hearing of any justice of the peace for any county, riding, division, or

No. I. 19 Geo. II. c. 21.

liberty; or in the presence or hearing of any mayor, justice, bailiff, or other chief magistrate of any town corporate; every such justice, mayor, or other chief magistrate as aforesaid, shall and is hereby authorized and required to convict every such offender of such offence (in the form and manner herein-after set forth) without any other proof whatsoever.

Constables, &c., to seize persons profanely swearing, if unknown;

III. And be it further enacted, by the authority aforesaid, That in case any person or persons shall profanely swear or curse, in the presence and hearing of any constable, petty constable, tythingman, or other peace officer, it shall and may be lawful for any and every such constable, petty constable, tythingman, or other peace officer, and they and each of them are hereby authorized and required (in case any such person shall be unknown to such constable, petty constable, tythingman, or other peace officer) to seize, secure, and detain such offender or offenders, unknown to him or them as aforesaid; and such offender or offenders forthwith to carry before the next justice of the peace for the county, riding, division, or liberty, or before the mayor, justice, bailiff, or other chief magistrate of the town corporate, wherein such offence was committed; and the said justice, mayor, or other chief magistrate, is hereby authorized and required, on the oath of such constable, petty constable, tythingman, or other peace officer, to convict the offender in manner and form herein-after directed:

and if they are known, information to be made.

And in case any such person so profanely swearing or cursing, in the presence or hearing of any such constable, petty constable, tythingman or other peace officer, shall be known to any of them, every such constable, petty constable, tythingman, or other peace officer, shall and is hereby required speedily to make information before some justice of the peace for the county, riding, division, or liberty, mayor, justice, bailiff, or chief magistrate of any town corporate as aforesaid, in order that the offender or offenders may be by such justice, mayor, bailiff, or chief magistrate convicted thereof, and punished for the same, in manner and form as in and by this Act is directed.

Justices, &c., to order offender to appear, &c.

IV. And be it further enacted by the authority aforesaid, That every such justice of the peace, mayor, or other chief magistrate as aforesaid, shall immediately upon information given upon oath of any such constable, petty constable, tythingman, or other peace officer, or of any other person whatsoever, cause the offender or offenders to appear before him; and upon such information being proved as aforesaid, convict such offender or offenders in such manner as in and by this Act is prescribed. And

Penalty to be paid, or security given, or offender to be committed for 10 days to the house of correction.

in case such offender or offenders shall not immediately pay down the respective sum so forfeited, to give security to the satisfaction of such justice, mayor, or other chief magistrate, before whom such conviction is made, it shall and may be lawful for such justice, mayor, or other chief magistrate, to commit the offender to the house of correction for the county, riding, division, liberty, city or town corporate where such offence shall be committed, there to remain, and be kept to hard labour for the space of ten days.

Common soldiers, &c., not paying penalty, &c.

V. Provided always, and it is hereby enacted by the authority aforesaid, That in case any common soldier belonging to any regiment in his Majesty's service, or any common sailor or common seaman belonging to any ship or vessel, shall be convicted of profane cursing or swearing as aforesaid, and shall not immediately pay down the penalty by him forfeited, or give security for the same as aforesaid, and also the cost of the information, summons, and conviction, as in and by this Act is directed; every such common soldier, common sailor, or common seaman, instead of being committed to the house of correction, as by this Act is directed, shall by the said justice, mayor, bailiff, or other head officer, be ordered to be

Set in stocks.

publicly set in the stocks for the space of one hour, for every single offence; and for any number of offences, whereof he shall be convicted at one and the same time, two hours.

Justices, not doing their duty,

VI. And be it further enacted by the authority aforesaid, That if any justice of the peace of any county, riding, division, or liberty, mayor, justice, bailiff, or other chief magistrate of any town corporate, shall wilfully and wittingly omit the performance of his duty, in the execution of this

forfeit 5*l.*

Act, he shall forfeit and lose the sum of five pounds; one moiety thereof

No. I. 19 Geo. II. c. 21.

to the use of the informer, and the other moiety thereof to the use of the poor of the parish wherein such justice, mayor, or other chief magistrate shall reside; to be recovered by action, suit, bill, or plaint, in any of his Majesty's Courts of Record at *Westminster*; wherein no essoign, protection, or wager of law shall be allowed, or more than one imparlance.

Constables, not doing their duty, forfeit 40*s*.

VII. And be it further enacted by the authority aforesaid, That if any constable, petty constable, tythingman, or other peace officer, shall wilfully and wittingly omit the performance of his duty in the execution of this Act, and be thereof convicted by the oath of one witness, before any justice of the peace for any county, riding, division, or liberty, or before the mayor, justice, bailiff, or other chief magistrate of any town corporate, every such constable, petty constable, tythingman, or other peace officer so offending, shall forfeit and lose the sum of forty shillings; to be levied and recovered by distress and sale of the offender's goods and chattels, by virtue of a warrant under the hand and seal of such justice, mayor or other chief magistrate, and to be disposed of, one moiety thereof to the use of the informer, and the other moiety to the use of the poor of the parish where such offence shall be committed; and in case such offender shall not have sufficient goods and chattels whereon to levy the said penalty, it shall and may be lawful for such justice, mayor, or other magistrate, to commit such offender to the house of correction for the county, riding, division, liberty, city, or place, there to remain, and be kept to hard labour for the space of one month.

and for want of distress, to be committed *for one month* to the house of correction.

VIII. And be it further enacted by the authority aforesaid, That all and every justice of the peace for any county, riding, division, or liberty, and all and every mayor, justice, bailiff, or other chief magistrate of any town corporate, before whom any person or persons shall be convicted of profane swearing or cursing, shall cause the conviction to be drawn up in the words and form following:

Form of conviction,

'*Middlesex*, } 'BE it remembered, that on the day of
'to wit. } 'in the year of his Majesty's reign, A. B. was
'convicted before me (*one of his Majesty's justices of the*
'*peace for the county, riding, division, or liberty aforesaid; or*
'*before me mayor, justice, bailiff, or other chief magistrate*
'*of the city or town of within the county of*
'*as the case shall be*) of swearing one *or more* profane oath *or*
'*oaths, or* of cursing one *or more* profane curse *or curses, as*
'*the case shall be.*

'*Given under my hand and seal the day and year afore-*
'*said.*'

to be wrote on parchment, returned to the next sessions.

Which said form and conviction shall not be liable to be removed by *certiorari* into his Majesty's Court of *King's Bench*, but shall be deemed and taken to be final to all intents and purposes whatsoever; and the said justice, mayor, bailiff, or other chief magistrate before whom such conviction shall be made, shall cause the same to be fairly wrote over upon parchment, and returned to the next general or quarter-sessions of the peace for the county wherein such conviction was made, to be filed by the clerk of the peace, and remain and be kept amongst the records of the said county.

Justices, &c. to put this Act in execution indiscriminately.

IX. And be it further enacted by the authority aforesaid, That all and every justice of the peace for any county, riding, division, or liberty, and every mayor, justice, bailiff, or other chief magistrate of any city or town corporate may, and they are hereby authorized and required to put this Act in execution against any person or persons within their several jurisdictions, although such justice, mayor, bailiff, or other chief magistrate shall be rated and pay to the relief of the poor of any parish, town, or place, where any offence, contrary to the true intent and meaning of this Act, shall be committed; any law or statute to the contrary in anywise notwithstanding.

Penalties, how to be disposed of.

X. And be it further enacted by the authority aforesaid, That all and every penalty or penalties inflicted by this Act, upon any person or per-

No. I. 19 Geo. II. c. 21.

sons for profane cursing and swearing, shall be disposed of for the benefit of the poor of the parish wherein such offence was committed; and that all charges of the information and conviction of any such offender shall be borne and paid by the party offending, if able, over and above the penalties inflicted by this Act, which charges shall be settled and ascertained by the justice of the peace, mayor, bailiff, or other chief magistrate before whom such conviction shall be made. And in case such party shall not be able, or shall not immediately pay the said charges and expences, or give security for the same to the satisfaction of such justice of the peace, mayor, bailiff, or other chief magistrate, it shall and may be lawful for the justice, mayor, bailiff, or other chief magistrate before whom such information or conviction shall be made, to commit such offender to the house of correction as aforesaid, there to remain and be kept to hard labour for the space of six days, over and above such time for which such offender may be committed in default of payment of the penalties inflicted by this Act; and in such case no charges of information and conviction shall be paid by any person whatsoever.

Offenders to pay all charges over and above the penalties,

or be committed to the house of correction for six days extraordinary.

General issue.

XI. And it is hereby further enacted, That if any action or suit shall be commenced or brought against any justice of the peace, constable, or other officer or person whatsoever, for doing or causing to be done, any thing in pursuance of this Act concerning the said offences, the defendant in that action may plead the general issue, and give the special matter in evidence; and if upon such action verdict be given for the defendant, or the plaintiff become nonsuit, or discontinue his action, then the defendant shall have treble costs.

Treble costs.

Proof, &c. to be made within eight days.

XII. Provided always, and it is hereby enacted, That no person shall be prosecuted or troubled for any offence against this statute hereinbefore or hereinafter mentioned, unless the same be proved or prosecuted within eight days next after the offence committed.

Act to be read quarterly in all churches, &c.

XIII. And it is further enacted by the authority aforesaid, That this Act shall be publickly read four several times in the year, in all parish churches and publick chapels, by the parson, vicar, or curate of the respective parishes or chapels, immediately after morning or evening prayer, on four several *Sundays:* (that is to say) the *Sunday* next after the twenty-fifth day of *March*, twenty-fourth day of *June*, twenty-ninth day of *September*, and twenty-fifth day of *December*, in every year; or in case divine service shall not be performed in any such church or chapel on any of the *Sundays* before mentioned, then upon the first *Sunday* after any of the said quarterly days on which divine service shall happen to be performed in any such church or chapel, under the pain of forfeiting the sum of five pounds for every such omission or neglect; to be levied by distress and sale of the offender's goods and chattels, by virtue of a warrant under the hand and seal of any one justice, mayor, bailiff, or other chief magistrate as aforesaid.

Penalty of 5*l.* for neglect.

Fee of 1*s.* to the justice's, &c. clerk.

XIV. And be it further enacted by the authority aforesaid, That the clerk of the justice, mayor, bailiff, or other chief officer, before whom proceedings upon this Act shall be had, shall and may receive and take for the information, summons, and conviction of every offender against this Act, the sum of one shilling and no more.

21 Jac. 1. c. 20. and 6 & 7 W. 3. c. 11. repealed.

XV. And be it further enacted by the authority aforesaid, That from and after the said first day of *June* one thousand seven hundred and forty-six, an Act made in the twenty-first year of the reign of King *James* the First, intituled, *An Act to prevent and reform profane Cursing and Swearing;* and also an Act made in the sixth and seventh years of the reign of King *William* the Third, intituled, *An Act for the more effectual suppressing profane Cursing and Swearing*, shall be and are hereby repealed.

[No. II.] 4 George IV. c. 31.—An Act to amend an Act passed in the Nineteenth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act more effectually to prevent profane Cursing and Swearing.*—[30th *May* 1823.]

No. II.
4 Geo. IV.
c. 31.
19 G. 2. c. 21.

WHEREAS by an Act passed in the nineteenth year of the reign of his late Majesty King *George* the Second, intituled *An Act more effectually to prevent profane Cursing and Swearing*, it is amongst other things provided, that the said Act shall be publicly read four several times in the year, in all parish churches and public chapels, by the parson, vicar, or curate of the respective parishes or chapels, immediately after morning or evening prayer, on four several *Sundays*; (that is to say), the *Sunday* next after the twenty-fifth day of *March*, twenty-fourth day of *June*, twenty-ninth day of *September*, and twenty-fifth day of *December* in every year; or in case divine service shall not be performed in any such church or chapel on any of the *Sundays* before mentioned, then upon the first *Sunday* after any of the said quarterly days on which divine service shall happen to be performed in any such church or chapel, upon pain of forfeiting the sum of five pounds for every such omission and neglect, to be levied by distress and sale of the offender's goods and chattels, by virtue of a warrant under the hand and seal of any one justice, mayor, bailiff or other chief magistrate as aforesaid: And whereas it is expedient that the above-recited provision should be repealed; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That so much of the said statute as is herein-before recited shall be and the same is hereby repealed.

Provision of recited Act requiring the same to be read quarterly in all Parish Churches, &c., repealed.

II. And be it further enacted, That this Act shall be deemed and taken to be a public Act; and shall be judicially taken notice of as such, by all judges, justices, and others, without being specially pleaded.

Public Act.

PART VI.—CLASS XXXVI.

TITHES.

[No. I.] 7 and 8 William III. c. 6.—An Act for the more easy Recovery of small Tithes.

[At length Part II. Class II. No. 7.]

[No. II.] 1 George I. st. 2. c. 6.—An Act for making perpetual an Act of the seventh and eighth Years of the Reign of his late Majesty King *William* the Third, intituled, *An Act that the solemn Affirmation and Declaration of the People called* Quakers, *shall be accepted instead of an Oath in the usual Form*; and for explaining and enforcing the said Act in relation to the Payment of Tithes and Church-Rates; and for appointing the Form of an Affirmation to be taken by the said People called *Quakers*, instead of the Oath of Abjuration.

[Inserted ante Part II. Class II.]

PART VI.—CLASS XXXVII.

TURNIPS, AND OTHER FIELD CROPS.

[No. I.] 13 George III. c. 32.—An Act for repealing so much of an Act, made in the twenty-third Year of his late Majesty King *George* the Second, as relates to the preventing the stealing or destroying of Turnips; and for the more effectually preventing the stealing or destroying of Turnips, Potatoes, Cabbages, Parsnips, Pease, and Carrots.

No. I. 13 Geo. III. c. 32.

'WHEREAS the cultivation of turnips, potatoes, cabbages, parsnips, pease, and carrots, is of great consequence to this kingdom, and the laws in being are ineffectual for preventing the stealing and destroying the same;' Be it enacted by the King's most excellent Majesty, by

No. I.
13 Geo. III.
c. 32.

and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the first day of *June*, one thousand seven hundred and seventy-three, if any person shall steal and take away, or maliciously pull up or destroy, any turnips, potatoes, cabbages, parsnips, pease or carrots, growing or being in any garden, lands, or grounds, open or inclosed, and shall be thereof convicted before any justice or justices of the peace for the county or place where the offence shall be committed, either by the confession of the party offending, or by the oath of one or more credible witness or witnesses (which oath such justice or justices is and are hereby impowered to administer), every person so offending, and being convicted as aforesaid, shall forfeit and pay, upon such conviction, such sum of money not exceeding the sum of ten shillings, over and above the value of the goods stolen, as to such justice or justices shall seem meet; which sum of money shall be distributed between the owner of such turnips, potatoes, cabbages, parsnips, pease, or carrots, and the overseers of the poor, or other persons having the charge and disposal of the funds of the poor of such parish or place where the offence shall be committed, for the use of the poor of such parish or place, in such proportion as such justice or justices shall think fit; or the whole of such sums shall be given to the owner of such turnips, potatoes, cabbages, parsnips, pease, or carrots, or to the overseers of the poor, or other persons having the charge and disposal of the funds for the use of the poor of such parish or place, according to the discretion of such justice or justices: And in default of payment of such penalty, of which the offender had been convicted as aforesaid, such justice or justices shall and may commit such offender to the house of correction, there to be kept to hard labour for any time not exceeding one calendar month, unless such penalty shall be sooner paid or satisfied: And if the offence is committed in that part of *Great Britain* called *Scotland*, such justice or justices shall and may commit such offender to prison, there to remain any time not exceeding one calendar month, unless such penalty shall be sooner paid or satisfied: And the bringing of the offender or offenders before such justice or justices of the peace may be done, and the proceedings against offenders, under the authority of this Act, may be carried on in the most summary manner.

Persons stealing turnips, potatoes, cabbages, &c. from any garden, lands, &c. shall forfeit 10*s.* on conviction, besides the value of the goods stolen.

II. And, for the more easy conviction of persons offending against this Act, be it enacted by the authority aforesaid, That in all informations, and other proceedings for any of the offences aforesaid, the evidence of the owner or owners of such turnips, potatoes, cabbages, parsnips, pease, or carrots, and of the inhabitants of the parish or place where the offence shall be committed, shall be taken and allowed; any law, custom, rule, order, or usage, to the contrary notwithstanding.

Informations of owners to be taken and allowed.

III. Provided always, That where any such conviction shall be upon the oath of the owner or owners, the whole of the penalty or forfeiture shall be paid to the overseer or overseers of the poor for the parish or place where the offence shall be committed, for the use of the poor of such parish or place.

Where conviction shall be on oath of the owner, the forfeiture to be paid to the overseers of the poor.

IV. And for the more easy and speedy conviction of offenders against this Act, be it further enacted, That all and every the justice or justices of the peace, before whom any person or persons shall be convicted of any offence against this Act, shall and may cause the conviction to be drawn up in the following form of words, or in any form of words to the same effect, as the case shall happen, *videlicet*:

Conviction to be drawn in the following form.

BE *it remembered, That on the day of in the year of our Lord A. B. having been brought before me, or having been duly summoned and not having appeared, or having appeared* (as the case may happen), *and having confessed, or being convicted* (as the case may happen), *of the charge exhibited against him, is duly convicted before me C. D. one of his Majesty's justices of the peace for the county of* [specifying the offence, and the time and place when and where the same was committed, as the case shall be]. *Given under my hand and seal, the day and year aforesaid.*

No. I. 13 Geo. III. c. 32.

V. Provided always, That no person shall be prosecuted for any such offence, unless such prosecution be begun within thirty days after the offence committed.

VI. And be it further enacted, That so much of an Act, made in the twenty-third year of the reign of his late Majesty King *George* the Second, intituled, *An Act to continue several Laws for the better regulating of Pilots for the conducting of Ships and Vessels from* Dover, Deal, *and* Isle of Thanet, *up the River of* Thames *and* Medway; *and for permitting Rum or Spirits of the* British *Sugar Plantations to be landed before the Duties of Excise are paid thereon; and to continue and amend an Act for preventing Frauds in the Admeasurement of Coals within the City and Liberty of* Westminster, *and several Parishes near thereunto; and to continue several Laws for preventing Exactions of Occupiers of Locks and Weirs upon the River* Thames, *Westward, and for ascertaining the Rates of Water Carriage upon the said River; and for the better Regulation and Government of Seamen in the Merchants Service; and also to amend so much of an Act made in the first Year of the Reign of King* George *the First, as relates to the better Preservation of Salmon in the River* Ribble; *and to regulate Fees in Trials at Assizes and* Nisi Prius, *upon Records issuing out of the Office of Pleas of the Court of* Exchequer; *and for the apprehending of Persons in any County or Place, upon Warrants granted by Justices of the Peace in any other County or Place; and to repeal so much of an Act, made in the twelfth Year of the Reign of King* Charles *the Second, as relates to the Time during which the Office of Excise is to be kept open each Day, and to appoint for how long Time the same shall be kept open upon each Day for the future; and to prevent the stealing or destroying of Turnips; and to amend an Act made in the second Year of his present Majesty, for better Regulation of Attorneys and Solicitors;* so far as the same relates to the stealing of turnips, shall, from and after the commencement of this present Act, be repealed.

Proviso. 23 Geo. 2. so far as the same relates to the stealing of turnips.

Repealed.

[No. II.] 42 George III. c. 67.—An Act to extend the Provisions of an Act made in the thirteenth Year of the Reign of his present Majesty, intituled, *An Act for repealing so much of an Act, made in the twenty-third Year of his late Majesty King* George *the Second, as relates to the preventing the stealing or destroying of Turnips, and for the more effectually preventing the stealing or destroying of Turnips, Potatoes, Cabbages, Parsnips, Pease, and Carrots,* to certain other Field Crops, and to Orchards; and for amending the said Act.—[22*d June* 1802.]

No. II. 42 Geo. III. c. 67.

'WHEREAS an Act was passed in the thirteenth year of the reign of his present Majesty, for the more effectually preventing the stealing or destroying of turnips, potatoes, cabbages, parsnips, pease, and carrots, growing or being in any garden, lands, or grounds open or inclosed; whereby certain penalties are inflicted upon persons offending against the said Act: And whereas it is expedient that the provisions of the said Act should be extended and amended;' May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act, if any person shall steal, take away, wilfully or maliciously pull up, injure, or destroy any turnips, potatoes, cabbages, parsnips, beans, pease, or carrots, growing or being in any garden, orchard, lands, or grounds, open or inclosed, and shall be thereof convicted before any justice or justices of the peace for the county or place where the offence shall be committed, in manner directed by the said recited Act, every such person so offending, and being convicted as aforesaid, shall forfeit and pay, upon such

13 G. 3. c. 32. Persons stealing or destroying turnips, &c. growing in any grounds open or inclosed, and convicted in manner directed, by recited Act, shall forfeit not exceeding

No. II. 42 Geo. III. c. 67.

20*s.* besides the value of the goods.

conviction, such sum or sums of money, not exceeding the sum of twenty shillings over and above the value of the goods stolen, taken away, wilfully or maliciously pulled up, injured, or destroyed, as to such justice or justices shall seem meet; which penalties and forfeitures shall be recovered and applied in the same manner and upon the same evidence as the penalties and forfeitures imposed by the said recited Act are thereby directed to be recovered and applied; and in default of payment of the said penalty, such justice or justices shall commit the offender to the house of correction, there to be kept to hard labour for any time not exceeding two months, unless such penalty shall be sooner paid or satisfied.

Part VI.—Class XXXVIII.

VAGRANTS.*

[No. I.] 7 James I. c. 4.—An Act for the due Execution of divers Laws and Statutes heretofore made against Rogues, Vagabonds, and sturdy Beggars, and other lewd and idle Persons.

[Inserted ante. Title *Gaols and Houses of Correction*, Class XXI. No. 7.]

* Some of our ancient statutes contain very severe regulations respecting vagrancy. By stat. 22 Henry VIII. c. 12. a vagrant, after being whipped, was to take an oath to return to the place where he was born, or where he has last dwelt before the punishment, for the space of three years, and there labour as a true man ought to do. Persons found a second time in a state of vagrancy were not only to be whipped, but to have the upper part of the gristle of the right ear clean cut off; for a third offence, the punishment was death. By 1 Edward VI. c. 3. a person adjudged to be a vagabond was to be marked with a hot iron on the breast with the mark of V. and adjudged to be a slave to the person who brought him for two years. The person was to keep him on bread, water, or small drink, and refuse meat, and cause him to work by beating, chaining, or otherwise, in any work or labour he pleased, be it ever so vile. If the slave absented himself for fourteen days, he was to be marked on the forehead or ball of the cheek with the sign of an S, and adjudged to be a slave to his master for ever: and if he ran away a second time, was to be deemed a felon. Any child of the age of five years, and under fourteen, might be adjudged to the apprehender till twenty-one if a female, and twenty-four if a male: the child to be treated as a slave, and punished with irons if he run away. If such slaves, either during their slavery, or after they were set free, beat or wounded their masters, or conspired with others so to do, they were to suffer as felons, unless the person injured would take the offender as a slave for ever.—The severity of this Act having prevented its being carried into execution, it was repealed by stat. 3 and 4. Edw. VI. c. 16. which ordained, that the ordering of vagrants should depend upon stat. 22 Henry VIII. By the 14 Eliz. c. 5. and 18 Eliz. c. 3. provisions were made for the punishment of vagabonds, by gaoling, boring through the ears, and death in the second degree. These were repealed by 35 Eliz. c. 7. By stat. 12 and 13 Chas. II. c. 18. ante. Title *Poor*, a provision is made, which is still in force, for subjecting incorrigible rogues to transportation. General directions concerning vagrants, conformably to the principles of the present system, were given by statutes 12 Anne, st. 2. c. 23: 13 Geo. II. c. 24.

[No. II.] 17 George II. c. 5.—An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction.

No. II. 17 Geo. II. c. 5.

'WHEREAS the number of rogues, vagabonds, beggars, and other idle and disorderly persons, daily increases, to the great scandal, loss, and annoyance of the Kingdom;' For remedy thereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That all persons who threaten to run away and leave their wives or children to the parish; and all persons who shall unlawfully return to such parish or place from whence they have been legally removed by order of two justices of the peace, (1) without bringing a certificate from the parish or place whereunto they belong; and also persons who, not having wherewith to maintain themselves, live idle without employment, and refuse to work for the usual and common wages given to other labourers in the like work, in the parishes or places where they then are; and also all persons going about from door to door, or placing themselves in streets, highways, or passages, to beg or gather alms in the parishes or places where they dwell, shall be deemed idle and disorderly persons; and it shall and may be lawful for any justice of the peace to commit such offenders (being thereof convicted before him, by his own view, or by their own confession, or by the oath of one or more credible witness or witnesses) to the house of correction, there to be kept to hard labour for any time not exceeding one month: (2) And it shall and may be lawful for any person to apprehend and carry before a justice of the peace, any such persons going about from door to door, or placing themselves in streets, highways, or passages, to beg or gather alms in the parishes or places where they dwell; and if they shall resist, or escape from the person apprehending them, they shall be subject to the same punishment as rogues and vagabonds are made liable to by this Act: And it shall and may be lawful for the said justice, by warrant under his hand and seal, to order any overseer of the poor of the parish or place where such offender shall be apprehended, to pay the sum of five shillings to any person or persons in any such parish or place so apprehending them, for every offender so apprehended; which sum shall be allowed to such overseer in his account, he producing the justice's order, and a receipt under the hand of the person or persons to whom such sum was paid: But if such overseer shall neglect or refuse to pay the said sum, the said justice, on oath thereof made, may by warrant under his hand and seal, order the same to be levied by distress and sale of the goods of such overseer; and the overplus (if any) after the charges of such distress satisfied, shall

Particular offences and their punishments.

Offences of a higher nature.

Five shillings reward for apprehending offenders.

Penalty on overseer not paying the reward.

(1) By stat. 13 and 14 Chas. II. c. 12, sec. 3, ante. Title *Poor*, persons removed returning of their own accord may be committed to the house of correction, there to be punished as a vagabond, or to a workhouse, to be employed in work or labour. A commitment for the offence of returning must be either according to the directions of that Act in the terms above specified; or, under the authority of this Act, to be kept to hard labour for a precise time, not exceeding a month; and a commitment until discharged by due course of law is illegal, and an action may be maintained against the justice; Baldwin *v.* Blackmore, 1 Bur. 595. A commitment for returning must state to what place the person returned; Rex *v.* Cole, 2 Bett. 683. The coming to reside on a tenement of 10*l.* a year is not within the Act, which only prevents returning in a state of vagrancy; R. *v.* Fillingley, 2 T. R. 709. It is an important question, whether a single woman, removed as actually chargeable on account of being with child under the authority of 35 Geo. III. c. 101, ante. Title *Poor*, is punishable as a vagrant for returning after her delivery? I have always acted upon the impression that she is not, as the cause of removal is done away. In Burn, Title Poor, there is a note expressing an opinion that it is not advisable to commit the party returning until after the expiration of the time of appeal. But to this opinion I cannot by any means subscribe, as the order is clearly legal in every thing depending upon the execution of it, until reversed. I apprehend that a subsequent reversal of the order would be no defence to the overseer, in a proceeding for not receiving the paupers.

(2) See note to section 7, infra.

No. II. 17 Geo. II. c. 5.

be returned to such overseer, who in such case shall not be allowed the sum so levied in his account.

Other offences, and their punishment.

II. And be it further enacted by the authority aforesaid, That all persons going about as patent-gatherers or gatherers of alms, under pretences of loss by fire, or other casualty; or going about as collectors for prisons, gaols, or hospitals; all fencers and bearwards; all common players of interludes; and all persons who shall for hire, gain, or reward, act, represent, or perform, or cause to be acted, represented, or performed, any interlude, tragedy, comedy, opera, play, farce, or other entertainment of the stage (3), or any part or parts therein, not being authorized by law; all minstrels, jugglers; all persons pretending to be gypsies, or wandering in the habit or form of *Egyptians*, or pretending to have skill in physiognomy, palmestry, or like crafty science, or pretending to tell fortunes, or using any subtil craft to deceive and impose on any of his Majesty's subjects, or playing or betting at any unlawful games or plays; and all persons who run away and leave their wives or children, whereby they become chargeable (4) to any parish or place; and all petty chapmen and pedlars wandering abroad, not being duly licensed or otherwise authorised by law; and all persons wandering abroad, and lodging in alehouses, barns, outhouses, or in the open air, not giving a good account of themselves, and all persons wandering abroad, and begging, pretending to be soldiers, mariners, seafaring men, or pretending to go to work in harvest; and all other persons wandering abroad and begging, shall be deemed rogues and vagabonds within the true intent and meaning of this Act (5).

Proviso.

III. Provided always, That this Act, or any thing herein contained, shall not extend, or be construed to extend, to soldiers wanting subsistence, having lawful certificates from their officers or the secretary at war, or to mariners or seafaring men licensed by some testimonial or writing under the hand and seal of some justice of the peace, setting down the time or place of their landing or discharge, and the place to which such soldiers or mariners are to pass, and the names of the chief towns or places through which they are to pass, and limiting the time of such their passage, while they continue in the direct way to the place to which they are to pass, and during the time so limited (6); or to any person or persons going abroad to work at any lawful work in the time of harvest, so as he, she, or they carry with him, her, or them a certificate in writing, signed by the minister and one of the churchwardens or chapel-wardens, or one of the overseers of the poor for the time being, of the parish, chapelry, or place where they shall respectively inhabit, declaring that he, she, or they hath or have a dwelling-house, or place there, in which he, she, or they inhabit.

Incorrigible rogues.

13 George I. c. 23.

IV. And be it further enacted by the authority aforesaid, That all endgatherers offending against an Act made in the thirteenth year of his late Majesty King *George* the First, intituled, *An Act for the better Regulation of the Woollen Manufacture, and for preventing Disputes among the Persons concerned therein; and for limiting a Time for prosecuting for the Forfeiture appointed by an Act of the twelfth Year of his Majesty's Reign, in case of Payment of the Workmen's Wages in any other Manner than in Money*, being convicted of such offence; and all persons apprehended as rogues and vagabonds, and escaped from the persons apprehending them, or refusing to go before a justice or justices of the peace, or to be examined upon oath before such justice or justices, or refusing to be conveyed by any such pass as is herein after directed, or knowingly giving a false account of themselves on such examination, after warning given them of their punishment; and all rogues or vagabonds who shall break or escape out of any house of correction, before the expiration of the term for which they were committed or ordered to be confined by virtue of this Act; and all persons who after having been punished as rogues and vaga-

(3) See ante. Title *Players*.

(4) A commitment for running away and leaving the family *to be maintained* by the parish, is bad; R. *v.* Hall, 3 Bur. 1636.

(5) By 27 Geo. III. c. 1, ante. Title *Gaming*, persons selling illegal lottery tickets are to be deemed vagrants, and subject to the penalties of this Act.

(6) See st. 32 Geo. III. c. 45. s. 7; and 43 Geo. III. c. 61, post.

bonds, and discharged, shall again commit any of the said offences, shall be deemed incorrigible rogues within the true intent and meaning of this Act.

V. And be it further enacted by the authority aforesaid, That if any person shall be found offending against this Act, it shall and may be lawful for any person whatsoever to apprehend the person so offending, and to convey, or cause to be conveyed, to some justice of the peace the persons so apprehended, to be proceeded against in such manner as is herein after directed: And in case any constable or other such officer, shall refuse or neglect to use his best endeavours to apprehend or convey to some justice of the peace any such offender, it shall be deemed a neglect of duty in such constable or officer, and he shall be punished in such manner as is herein after directed: And in case any other person, being charged by any justice of the peace so to do shall refuse or neglect to use his best endeavours to apprehend and deliver to the constable or such other officer, or to carry such offender before some justice of the peace, where no constable or other such officer can be found, such person so offending as aforesaid, being thereof convicted upon view, or by the oath of one or more credible witness or witnesses, before one or more justice or justices of the peace, shall forfeit the sum of ten shillings, to the use of the poor of the parish or place wherein such offence shall be committed; to be levied by distress and sale of the offender's goods, by warrant from any justice or justices; and the overplus (if any) after the charges of such distress satisfied, shall be returned to such offender: And in case any person not being a constable or such other officer, shall apprehend any such rogue or vagabond, and shall deliver him or her to a constable or other such officer, or shall convey or cause him or her to be conveyed to some justice or justices of the peace, according to the directions of this Act; or if any constable or other such officer shall so apprehend and convey such rogue or vagabond, it shall and may be lawful for such justice or justices to reward any such constable or other person, by making an order under hand and seal upon the high or chief constable, to pay the sum of ten shillings to the person so apprehending him or her, within one week after demand, and producing such order, and upon his giving a receipt for the same; and the same shall be allowed or paid by the treasurer of the county, riding, division, or liberty, to such high or chief constable on his passing his accounts, and delivering such order and receipt, and also his own receipt for the same to such treasurer; and the said justices at the general or quarter sessions, shall allow the same to such treasurer in his accounts, upon his producing and delivering up the vouchers aforesaid: And in cities, boroughs, towns corporate, and other places where there are no high or chief constables, such petty constables and other officers shall pay or retain such reward as aforesaid, and be allowed what they shall so pay or retain by virtue of this Act in their respective accounts, upon their producing and delivering up the like vouchers: And in case any high or chief constable, or where there is no high or chief constable, such petty constable or other officer shall refuse or neglect to pay such reward on demand, it shall and may be lawful for such justice or justices of the peace, by warrant under their hand and seal, to levy the sum of twenty shillings, by distress and sale of the goods of such officer, and thereout to allow to the person intitled thereto the said reward of ten shillings, and such other recompence for his trouble, loss of time, and expences, as the said justice or justices shall think fit; and the overplus (if any) shall be returned to such officer upon demand.

Any person may apprehend offenders.

Penalty on officers neglecting their duty.

Reward for taking up vagabonds, &c.

Penalty on not paying the reward.

VI. And be it further enacted by the authority aforesaid, That the justices of the peace for every county, riding, city, borough, town corporate, division, or liberty, or any two of them, shall four times in the year at least, or oftner (if need be) meet in their respective divisions, and by their warrant, command the constables or other peace officers of every hundred, parish, town, and hamlet, in their several divisions, who shall be assisted with sufficient men of the same places, to make a general privy search in one night, throughout their several and respective limits, for the finding and apprehending of rogues and vagabonds; and every justice of the peace shall also, on receiving information that rogues and vagabonds

General privy searches to be made.

No. II. 17 Geo. II. c. 5.

are in any place within his jurisdiction, issue his warrant to the constable or other officer of such place, to search for and apprehend such rogues and vagabonds; and such rogues and vagabonds as they shall find and apprehend upon such searches, they shall cause to be brought before any justice or justices of the peace of the same county, riding, city, borough, town corporate, division, or liberty. (7)

Justices to punish vagabonds, &c. taken up at privy searches.

VII. And be it further enacted by the authority aforesaid, That where any rogues or vagabonds, apprehended by any constable, or such other officer or person as aforesaid, or upon search as aforesaid, shall be brought before any justice or justices of the peace, it shall and may be lawful for such justice or justices, and he or they are hereby required to inform himself or themselves, by the examination upon oath of the person or persons apprehended, or of any other person of the condition and circumstances of the person or persons so apprehended, and of the parish or place where he, she, or they were last legally settled; the substance of which examination or examinations shall be put into writing, and be subscribed or signed by the person or persons so examined; and the said justice or justices shall likewise sign the same, and transmit it to the next general or quarter sessions of the peace to be holden for the same county, riding, city, borough, town corporate, division, or liberty, there to be filed and kept on record; and such justice or justices of the peace, shall and are hereby required to order all such persons so apprehended, to be publicly whipt by the constable, petty constable, or tythingman, or some other person to be appointed by such constable, petty constable, or tythingman, of such parish or place where such persons were apprehended; or to order such persons to be sent to the house of correction, there to remain until the next general or quarter sessions, or for any less time, (8) as such justice or justices shall think proper; and after such whipping or confinement, such justice or justices may, and are hereby impowered, if they think convenient, by a pass under hand and seal, in the manner and form hereafter directed, to cause such persons to be conveyed (9) to the place of their last legal settlement; but if it cannot be found, then to the place of their birth; or if such persons or any of them, be under the age of fourteen years, and have any father or mother living, then to the place of the abode of such father or mother, there to be delivered to some churchwarden, chapelwarden, or overseer of the poor of such parish, town, or place; which pass shall be in the form or to the effect following:

Different sorts of vagabonds, how to be passed.

To the constable of in the county of
(or to the tythingman or other officer as the case shall be, or if the offender is committed to the house of correction, then to the governor or master thereof.) And also to all constables and other officers whom it may concern, to receive and convey; and to the churchwardens, chapelwardens, or overseers of the poor of the parish, town, or place *(as the case shall be)* of in the county of
or either of them, to receive and obey.

Form of the pass.

'WHEREAS was *(or were)* apprehended in the
' parish of *(or in the town of* or other
' *place describing it)* as a rogue and vagabond, *or* as rogues and vagabonds,
' *videlicet*, wandering and begging there *(or as the case shall be)*, and upon
' examination of the said taken before

(7) See 25 Geo. II. c. 36. sec. 12, post.

(8) A commitment under this Act is a commitment in execution, and must therefore state that the offender is *convicted*, not merely that he is *charged*; R. v. Rhodes, 4 T. R. 220. Admitted; Rex v. Cooper, 6 T. R. 509: vi. 20 Geo. II. c. 19, (ante. Title *Apprentices*, note 3.)—Quere, if it be necessary to make a record of conviction, or whether the conviction and commitment are not one Act; vi. Massey v. Johnson, 12 E. 67; R. v. Justices of Staffordshire, 12 E. 572, ante. 20 G. II. c. 19, (Title *Apprentices*) note 6. The commitment must be for a certain time, or until the sessions, and not generally until discharged by due course of law; R. v. Hall, 3 Bur. 1636.

(9) As to suspending the removal on account of sickness, and the taking off of such suspension, see 35 Geo. III. c. 101. sec. 2; 49 Geo. III. c. 124, sec. 1, ante. Title *Poor*.

'upon oath (which examination is hereunto annexed) it doth appear, that 'his, *her, or their* last legal settlement is at in this county '*(or, in the county of)* or, that the said 'was *(or were)* born in the parish of in this county, *(or,* '*in the county of)*, and hath *(or have)* not since obtained 'any legal settlement; *or* that the said is *(or are)* under 'the age of fourteen years, and hath *(or have)* a father or mother living 'or abiding in the parish *(or town)* of *(or other place,* '*describing it.)* These are therefore to require you the said constable or 'other officer *(or governor or master of the house of correction, as the case* '*shall be)* to convey the said in the next direct way to 'the said parish *(or town)* of '*(or other place)* within the said county, and there to deliver him *(her* '*or them)* to some churchwarden, chapelwarden, or overseer of the same 'parish *(town or place)*, to be there provided for according to law *(or in* '*case the said parish, town, or place to which such person or persons is or are* '*to be sent, lies in some other county, riding, division, corporation, or franchise* '*having separate general or quarter sessions of the peace, then the form shall* '*be as followeth,* (videlicet), To convey the said to the 'parish, *(or town)* of that being the first parish *(or town)* 'in the next precinct through which he *(she or they)* ought to pass in the 'direct way to the said parish *(or town)* of to which he *(she or they)* is '*(or are)* to be sent, and to deliver him *(her or them)* to the constable or other 'officer of such first town *(or parish)* in such next precinct, together with 'this pass, and the duplicate of the examination of the said 'taking his receipt for the same; and the said is *(or are)* 'to be thence conveyed on in like manner to the said parish *(or town)* of ' there to be delivered to some churchwarden, chapel-'warden, or overseer of the poor of the same parish *(town or place)*, to be 'there provided for according to law: and you the said churchwardens, 'chapelwardens, and overseers of the poor, are hereby required to re-'ceive the said person *(or persons)* and provide for him *(her or them)* as 'aforesaid.'

Duplicate of the pass and examination to be filed at the next general or quarter sessions.

VIII. And be it further enacted by the authority aforesaid, That such justice or justices shall make or cause to be made a duplicate of such pass and examination, and sign the same; and shall afterwards transmit the duplicate of the said pass annexed to the examination to the next general or quarter sessions of the peace, there to be filed and kept on record; and shall annex the duplicate of the examination to the pass and send it with the same; and the said pass, examination, and duplicates thereof, shall and may be read in any Court of Record in *England*, *Wales*, or the town of *Berwick upon Tweed*, as evidence.

Power of justices over vagabonds and incorrigible rogues.

IX. And be it further enacted by the authority aforesaid, That where any offender against this Act shall be committed, as aforesaid, to the house of correction, there to remain until the next general or quarter sessions; and the justices at such sessions shall, on examination of the circumstances of the case, adjudge such person a rogue or vagabond, or an incorrigible rogue; they may, if they think convenient, order such rogue or vagabond to be detained and kept in the said house of correction to hard labour, for any further time not exceeding six months, and such incorrigible rogue, for any further time not exceeding two years, nor less than six months from the time of making such order of sessions; and during the time of such person's confinement, to be corrected by whipping, (10) in such manner, and at such times and places within their jurisdictions, as according to the nature of such person's offence, they in their discretion shall think fit; and such person may (if the justices at the said sessions shall think convenient) afterwards be sent away by such pass, *mutatis mutandis*, as aforesaid; and if such person, being a male, is above the age of twelve years, the justices at their sessions may and are hereby impowered, at any time before he is discharged from the house of correc-

(10) This extends to rogues and vagabonds, as well as incorrigible rogues; R. *v.* Patchett, 5 E. 339.

No. II. 17 Geo. II. c. 5.

tion, to send him to be employed in his Majesty's service, either by sea (11) or land, if they shall judge proper; and in case any such incorrigible rogue, so ordered by the said general or quarter sessions to be detained and kept in the said house of correction, shall, before the expiration of the time for which he or she shall be so ordered to be there detained and kept, break out or make his or her escape from the said house of correction, or shall offend again in like manner; in every such case, every such person shall be deemed and taken to be guilty of felony, and being legally convicted thereof, shall and may be transported for any time not exceeding seven years, in the same manner as by the laws now in being other felons may be transported.

Justices to regulate the passes by giving the officers certificates.

X. And to prevent unnecessary expence in the passing or conveying of rogues, vagabonds, and incorrigible rogues, Be it enacted by the authority aforesaid, That the justice or justices of the peace who shall make the pass, shall at the same time, with the said pass, cause likewise to be delivered to the constable, or other officer appointed to convey them, a note or certificate, ascertaining how they are to be conveyed, by horse, cart, or on foot, and what allowance such constable or other officer is to have for conveying them (according to the rates or allowances appointed by the general or quarter sessions of the peace, as is hereinafter directed) in the form, or to the effect following, *videlicet:*

Form of the certificate.

'WHEREAS by a pass *(reciting the substance or effect of the said pass)* I *(or we)* do hereby order and direct the said person *(or persons)* 'to be conveyed on foot, *(or in a cart, or by horse, et cetera)* to the said 'town *(or parish)* of in *(or other place, describing it)* in the way to such parish *(town or place, as the case shall be)* in days time, for which the said constable *(et cetera)* is 'to be allowed the sum of and no more.

'*Given under my hand* (or our hands) *this day*, et cetera.'

The duty of officers with such pass and certificate.

Amended by 26 G. 2. c. 34.

XI. And be it further enacted by the authority aforesaid, That the constable, or other officer, who shall receive such pass and certificate, shall and is hereby required to convey, or cause to be conveyed, the person or persons named in such pass, in such manner and in such time, as by the said pass shall be directed, the next direct way to the place where he, she, or they are ordered to be sent, if such place be in the same county, riding, division, corporation, or franchise, where the said person or persons were apprehended; but if the place to which the person or persons so apprehended is or are to be sent, lies in some other county, riding, division, corporation, or franchise, he shall deliver the said person or persons to the constable or such other officer of the first town, parish, or place, in the next county, riding, division, corporation, or franchise, in the direct way to the place to which such person or persons is or are to be conveyed, together with the said pass and duplicate of examination, taking his receipt for the same; and such constable or other officer shall, without delay, ayply to some justice of the peace in the same county, riding, division, corporation, or franchise, who shall make the like certificate as before *(mutatis mutandis)*, and deliver it to the said constable or other officer, who shall and is hereby required with all speed to convey the person or persons unto the first parish, town, or place in the next county, riding, division, corporation, or franchise, in the direct way to the place to which such person or persons is or are to be conveyed; and so in like manner from one county, riding, division, corporation, or franchise, to another, till they come to the place to which such person or persons is or are sent; and the constable or other officer, who shall deliver such person or persons to the churchwardens or other person ordered to receive them by such pass, shall at the same time deliver the said pass, with the duplicate of examination, taking their receipt for the same; and if the churchwarden or other person, who shall receive any person so sent, shall think the examination to be false,

(11) The order must specify which service: his Majesty's service generally is not sufficient; R. *v.* Patchett, ub. supra.

he is hereby impowered to carry the person so sent before some justice of the peace who, if he see cause, may commit such person to the house of correction till the next quarter sessions, and the justices there, if they see cause, may deal with such person as an incorrigible rogue: but the person so sent shall not be removed from the place to which sent, but by order of two justices, in the same manner as other poor persons are removed to the place of their settlement.

XII. 'And whereas it often happens that persons commit acts of va-'grancy when they are in circumstances sufficient to pay for their journey 'home;' Be it therefore enacted by the authority aforesaid, That it shall and may be lawful for any justice of the peace before whom any vagrants shall be carried, to order such vagrants to be searched, and their bundles to be inspected by the constable, tythingman, churchwarden, or overseer of the poor, in the presence of the said justice; and if it shall appear that any such vagrant shall be found to have sufficient wherewithal to pay for their passage, either in the whole or in part, to the parish to which they belong, then the said justice or justices shall order so much of the money to be paid, or other effects found with or upon such vagrants, to be sold and employed for and towards the expence of taking up and passing such vagrants as aforesaid, returning the overplus (if any be) after deducting the charges of such sale, to such vagrants.

Persons shall pay for their own passage if they are found able.

XIII. And be it further enacted by the authority aforesaid, That the constable or other officer of any parish or place, with the counties of *Cumberland*, *Northumberland*, *Durham*, or town of *Berwick upon Tweed*, shall, and they are hereby authorized and required, upon any person or persons being delivered to them by a pass and examination, who shall have been apprehended within the said counties or town, or brought to them according to the direction of this Act, whose place of legal settlement is in that part of *Great Britain* called *Scotland*, to deliver the said examination to the clerk of the peace for such respective county, to be kept among the records of the sessions of that county, and to convey, or cause to be conveyed, such person or persons, with the said pass, into the next adjoining shire, stewartry, or place in that part of the united kingdom; and to deliver him, her, or them to some constable or other officer of the next parish, district, or place within the said shire, stewartry, or place, taking his receipt for him, her, or them; and such officer is hereby required to receive such person or persons, and give such receipt, and to dispose of him, her, or them according to law; and in case any such vagrant, after being so sent and conveyed into that part of *Great Britain* called *Scotland*, shall, after being so sent as aforesaid, be found wandering, begging, or misbehaving him or herself within that part of *Great Britain* called *England*, contrary to the true intent and meaning of this Act; every such person so offending shall be deemed an incorrigible rogue, and be punished as incorrigible rogues are to be punished by this Act.

Regulations for passing vagrants into Scotland.

XIV. 'And whereas divers vagrants have been conveyed from county to 'county, in order to be sent to places in *Ireland*, the isles of *Man*, *Jersey*, '*Guernsey*, or *Scilly* (their last legal settlement), but for want of authority 'to compel masters of ships and vessels to take them on board, in order to 'be carried thither at reasonable rates, they may be very chargeable to the 'maritime counties, towns, and places in *England* and *Wales*, where they 'may lie for such exportation;' Be it therefore enacted by the authority aforesaid, That all and every master and masters of any ship or vessel, or packet boat, bound for *Ireland*, the isles of *Man*, *Jersey*, *Guernsey*, or *Scilly*, shall, and they and each of them is and are hereby required, upon warrant to him or them directed under the hand and seal of a justice of the peace of the county, town, or place where such ship, vessel, or packet boat shall lie, to take on board the same such vagrant and vagrants as shall be named and expressed in the said warrant, and to convey him, her, or them to such place in *Ireland*, the isles of *Man*, *Jersey*, *Guernsey*, or *Scilly*, as such ship, vessel, or packet boat shall be bound to or shall arrive at; and for the charges thereof such master shall take, and the constable or person who serves him with the said warrant shall pay such rate *per* head, as the justices of the peace at their quarter sessions shall from time to time ap-

Regulations for passing vagrants into Ireland, &c.

No. II. 17 Geo. II. c. 5.

point for every such vagrant so brought and delivered to him; and such master shall and is hereby required, on the back of the said warrant, to sign a receipt for the money so paid, and also for the vagrant or vagrants so brought and delivered; which warrant so endorsed shall then be produced to the justice of the peace who signed and sealed the same, and upon his allowance thereof, under his hand, the money so paid shall be repaid by the county, in such manner as by this Act the money to be paid for conveying vagrants from county to county is directed; and every master of such ship, vessel, or packet boat, neglecting or refusing to receive on board, or to transport such vagrant or vagrants, or to indorse and sign such receipt as aforesaid, shall forfeit five pounds to the use of the poor of the parish or place where the offence shall be committed; to be levied by distress and sale of the said ship, or any goods within the same, by warrant under the hand and seal of any justice of the peace for the same county, city, or town-corporate, returning the overplus (if any be) upon demand, after the said penalty and charges of levying the same are satisfied.

Penalty on masters of ships refusing to take vagrants on board.

Masters not obliged to take on board more than one vagrant for every 20 tons burthen.

XV. Provided always, and it is hereby declared, That no master of any such packet boat, ship, or vessel, shall be compelled to take on board more than one vagrant for every twenty tons' burthen of any such boat, ship, or vessel.

Justices to limit the rates per mile for passing vagrants.

XVI. And be it further enacted by the authority aforesaid, That the justices of the peace of any county, riding, city, borough, town-corporate, division, or liberty, shall and may at the general or quarter sessions of the peace from time to time, limit, appoint, and direct what rates and allowances *per* mile, or otherwise, shall be made for the passing, conveying, or maintaining of rogues, vagabonds, or incorrigible rogues, to be passed or conveyed as aforesaid; and may likewise make such other orders, rules, and directions for the more regular proceeding or acting therein, within their respective limits and jurisdictions, as they in their discretion shall think proper; which rates, allowances, orders, rules, and directions shall from time to time be observed and submitted to by all justices of the peace, constables, officers, and other persons within the same limits and jurisdictions respectively.

High constable to pay the rates to petty constable, &c.

XVII. And be it further enacted, That in case any petty constable, or other such officer of any parish or place, shall bring to any high or chief constable any such certificate as aforesaid, as shall be given him by any justice or justices of the peace for the proper county or place, ascertaining how and for what rates or allowances he shall be required to convey any rogues, vagabonds, or incorrigible rogues as aforesaid, together with a receipt or note from any constable or other officer or person to whom the person or persons so to be conveyed was or were delivered, the said high or chief constable shall and may pay unto such petty constable or other officer, the rates or allowances ascertained in and by such certificate, and no more, taking from such petty constable or other officer such certificate, and his receipt for the same; and the said high or chief constable shall be allowed the same by the treasurer of the county, riding, liberty, division, corporation, or franchise, on his passing his accounts, upon his producing and delivering up such certificate and receipt, and giving his own receipt for the same to such treasurer; and the justices at the general or quarter sessions shall allow the same to such treasurer in his accounts, upon his producing and delivering up the vouchers aforesaid: And in case any high or chief constable shall refuse or neglect to pay the said petty constable, or other officer or person, the rates or allowances ascertained in and by such certificate and receipt, on demand, it shall and may be lawful for any justice or justices of the peace, by warrant under hand and seal, to levy double the sum ascertained by such certificate, by distress and sale of the goods of such high or chief constable, and thereout to allow the said petty constable, or other officer or person, the sum ascertained in and by such certificate and receipt, and such other recompence for his trouble, loss of time and expences, as the said justice or justices shall think fit; and the overplus (if any) shall be returned to such high or chief constable upon demand; and in cities, towns-corporate, and other places where there is no high or chief constable, such petty constable or other officers shall be al-

Penalty on the high constable's refusing to pay, as directed by the justice's warrant.

Altered by 26 Geo. 2. c. 34. s. 2.

lowed what they shall so pay pursuant to the directions of such certificate in their respective accounts, upon their producing and delivering up such vouchers; or in case any governor or master of a house of correction shall deliver such certificate and receipt to any treasurer as aforesaid, such treasurer shall pay the rates therein ascertained to such governor or master of a house of correction, taking his receipt for the same, which shall be allowed to such treasurer in his accounts, on his producing and delivering up such vouchers.

Penalty on counterfeiting certificates.

XVIII. Provided always, and be it further enacted by the authority aforesaid, That in case any such petty constable, or other officer or governor or master of any house of correction, shall counterfeit any such certificate, receipt, or note, or make, or knowingly permit to be made, any alteration in any such certificate, receipt, or note, he shall forfeit the sum of fifty pounds; and in case he shall not convey, or cause to be conveyed, the persons to the place where they ought to be conveyed, or shall not deliver them to the proper person; or if any constable, or other officer or person, shall refuse to receive any such persons sent to them, or to give a receipt or note as before directed; that in any of the said cases, the constable or other officer or person shall forfeit the sum of twenty pounds; which said respective forfeitures shall be levied by distress and sale of the offender's goods, by warrant or order of the justices of the peace where such offence shall be committed, at their general or quarter sessions; one moiety to be paid to the person or persons who shall first make information against any such offender, and the other moiety to be paid to the treasurer of the county or place, to be applied by him as part of the publick stock; and the overplus (if any) after such forfeitures levied, and the charges of distress satisfied, shall be returned to such constable or other officer or person upon demand.

Penalty on the officer not passing according to order; and on the officer's not receiving the pass.

Manner of levying the penalty.

Vagabonds, &c. to be set to work.

XIX. And be it enacted by the authority aforesaid, That the parish or place to which any rogue, vagabond, or incorrigible rogue, shall be conveyed by pass as aforesaid, shall take care to employ in work, or place in some workhouse or almshouse, the person or persons so conveyed to them, until he, she, or they shall betake themselves to some service or other employment: And in case any such person or persons shall refuse to work, or shall not betake themselves to some service or employment, the overseers of the poor of the same parish or place, or the major part of them, may cause such person or persons to be carried before some justice of the peace in order to be sent to the house of correction, there to be kept to hard labour.

Lunatics to be confined by warrant of justices.

XX. 'And whereas there are sometimes persons, who by lunacy, or 'otherwise, are furiously mad, or are so far disordered in their senses that 'they may be dangerous to be permitted to go abroad;' Be it therefore enacted by the authority aforesaid, That it shall and may be lawful for any two or more justices of the peace where such lunatic or mad person shall be found, by warrant under their hands and seals, directed to the constables, churchwardens and overseers of the poor of the parish, town, or place, or some of them, to cause such person so to be apprehended, and kept safely locked up in some secure place, within the county or precinct where such parish, town, or place shall lie, as such justices shall under their hands and seals direct and appoint; and (if such justices find it necessary) to be there chained, if the last legal settlement of such person shall be in any parish, town, or place within such county or precinct; and if such settlement shall not be there, then such person shall be sent to the place of his or her last legal settlement by a pass, *mutatis mutandis*, as aforesaid, and shall be locked up or chained, by warrant of two justices of the county or precinct to which such person is so sent, in manner aforesaid; and the reasonable charges of removing, and of keeping, maintaining, and curing such person during such restraint (which shall be for and during such time only as such lunacy or madness shall continue) shall be satisfied and paid (such charges being first proved upon oath), by order of two or more justices of the peace, directing the churchwardens or overseers where any goods, chattels, lands, or tenements of such person shall be, to seize and sell so much of the goods and chattels, or receive so much of the annual rents of the lands and tene-

Goods and estates of lunatics to be seized, to pay the charge of their maintenance.

No. II. 17 Geo. II. c. 5.

ments as is necessary to pay the same; and to account for what is so seized, sold, or received, to the next quarter sessions; but if such person hath not an estate to pay and satisfy the same, over and above what shall be sufficient to maintain his or her family, then such charges shall be satisfied and paid by the parish, town, or place to which such person belongs, by order of two justices, directed to the churchwardens or overseers for that purpose.

Otherwise at the charge of the parish.

Proviso.

XXI. Provided always, That this Act, or any thing therein contained, shall not extend, or be construed to extend to restrain or abridge the prerogative of the King, or the power or authority of the lord chancellor, lord keeper or commissioner of the great seal of *Great Britain* for the time being, or the chancellor or vice-chancellor of the county palatine of *Lancaster* for the time being, or of the chamberlain or vice-chamberlain of the county palatine of *Chester* for the time being, touching or concerning such lunatics, or to restrain or prevent any friend or relation of such lunatics from taking them under their own care and protection; any thing in this Act contained to the contrary notwithstanding.

Penalty on officers not doing their duty; and on persons hindering the execution of this Act, or rescuing a prisoner.

XXII. And be it further enacted by the authority aforesaid, That in case any constable or other officer, or governor or master of any house of correction, shall be defective, remiss, or negligent in his duty in the execution of this Act, in any case for which no punishment is hereinbefore particularly provided; or in case any person or persons shall disturb or hinder the execution of this Act, or shall rescue any person apprehended or passing from place to place by virtue thereof, or shall be advising, aiding, or assisting to his or her escape, and shall be thereof convicted upon the oath of one or more credible witness or witnesses, before one or more justice or justices of the peace where such offence shall be committed (which oath the said justice or justices are hereby empowered to administer), the person or persons so offending, for every such offence shall forfeit any sum not exceeding five pounds, nor less than ten shillings, to the use of the poor of the parish or place where such offence shall be committed; to be levied by distress and sale of the offender's goods by warrant from such justice or justices, returning the overplus (if any be) upon demand, after the said forfeiture and charges of making and keeping the said distress shall be paid and satisfied; and if sufficient distress cannot be found, it shall and may be lawful to and for one or more such justice or justices to commit the persons so offending to the house of correction, there to be kept to hard labour for any time not exceeding two months.

To be levied by distress and sale, &c.

Penalty for sheltering vagabonds.

XXIII. 'And whereas persons herein before described to be rogues, vagabonds, or incorrigible rogues, are much encouraged in wandering about, 'by the reception they too often meet with in villages and places where 'they are permitted to lodge in houses, barns, or other outhouses or 'buildings, by means whereof, and their falling sick there, great expences 'are sometimes brought upon parishes;' For remedy whereof, Be it enacted by the authority aforesaid, That if any person shall knowingly permit or suffer any such rogue, vagabond, or incorrigible rogue, to lodge or take shelter in his or her house, barn, or other outhouse or buildings, and shall not apprehend and carry such rogue, vagabond, or incorrigible rogue before some justice of the peace, or give notice to some constable or other such officer so to do; such person being thereof lawfully convicted, either on confession or upon oath of one or more credible witness or witnesses, before one or more of his Majesty's justices of the peace where such offence shall be committed, shall forfeit any sum not exceeding forty shillings, nor less than ten shillings; one moiety thereof to the informer, and the other moiety to the use of the poor of the parish or place where such offence shall be committed, to be levied by distress and sale of the goods and chattels of such offender, by warrant from such justice or justices, returning the overplus (if any) upon demand, after such forfeiture and charges of such distress shall be satisfied; and if any charge shall be brought upon any parish or place by means of any such offence, the same shall be answered to the said parish or place by such offender, and be levied by distress and sale of his or their goods and chattels as aforesaid: And if sufficient distress cannot be found, such offender shall be committed to the

house of correction by the justice or justices, for any time not exceeding one month.

XXIV. 'And whereas persons are often found offending against this 'Act, having children with them, whom they bring up in a dissolute course 'of life, destructive to such children, and prejudicial to the kingdom, in 'which a race of disorderly persons will increase, if such children are 'suffered to remain with such offenders;' Be it therefore enacted by the authority aforesaid, That if any such child, above the age of seven years, shall be committed to the house of correction as aforesaid, it shall and may be lawful for the justices at the quarter sessions, if they see convenient, at any time before such child be discharged, to order such child to be placed out in such manner as they shall think fit, as a servant or apprentice to any person within their respective jurisdictions, who is willing to take such child, to serve such person till such child shall arrive at the age of twenty-one years, or for any less time, as to the said justices shall seem meet: And if any offender who was found with such child as aforesaid, shall be again found with the same child (which was so placed out as aforesaid), offending against this Act, such offender shall be deemed an incorrigible rogue.

Beggars with children how to be ordered.

XXV. 'And whereas women wandering and begging are often delivered 'of children in parishes and places to which they do not belong, whereby 'they become chargeable to the same;' Be it therefore enacted by the authority aforesaid, That where any such woman shall be so delivered, and become chargeable, it shall and may be lawful for the churchwardens or overseers of the poor of such parish or place, to detain such woman in their custody, until they can safely convey her to some justice of the peace, who shall examine her, and commit her to the house of correction, until the next general or quarter sessions, who may (if they see convenient) order her to be publickly whipt, and detained in the house of correction, for any further time, not exceeding six months; and upon application by the churchwardens or overseers of the place where she was so delivered, the justices at such sessions shall order the treasurer of the county or district to pay them such a sum of money as shall be adjudged a reasonable satisfaction for the charges such place has been put to on such woman's account; and if such woman shall be detained and conveyed to a justice as aforesaid, the child of which she is delivered, if a bastard, shall not be settled in the place where so born, nor be sent thither for want of other settlement, by a pass, by virtue of this Act, but the settlement of such woman shall be deemed the settlement of such child; any law to the contrary notwithstanding.

How to order women delivered of children in the street.

XXVI. And be it further enacted by the authority aforesaid, That any persons aggrieved by any Act of any justice or justices of the peace out of sessions, in or concerning the execution of this Act, may appeal to the next general or quarter sessions of the county, riding, liberty, or division, giving reasonable notice thereof, whose order thereupon shall be final (12).

Appeal to the next general or quarter sessions.

XXVII. Provided always, and be it further enacted, That in all cities and towns, where, by virtue of special Acts of Parliament, the charge of passing vagrants is to be defrayed in other manner than is by this Act directed, or where such vagrants, by virtue of special statutes are to be apprehended and conveyed to the places whither they are to be sent, by any person or persons, or officers, other than those named for that purpose in this Act, such charge shall be borne and defrayed in such cities and towns, in like manner as before the making of this Act; and the person or officer liable to such service in the said cities and towns, by virtue of the said special Acts of Parliament, shall continue liable, as if this Act had never been made; and if any person shall be delivered to a beadle or constable within

Act not to alter the manner of passing vagrants, as settled by special acts.

(12) No appeal lies against a vagrant pass; R. v. Ringwould, B. S. C. 840; St. Lawrence Jury, Caldec. 18. Of this a very improper advantage is often taken, by removing persons whose settlement depends only on hearsay, by a pass, instead of an order, and procuring them to commit a formal act of vagrancy for the purpose of removal. An appeal does not suspend the punishment, or intitle the party to be admitted to bail; and an information was granted against magistrates who had issued a supersedeas, it appearing to the court that they had not acted bonâ fide; R. v. Brookes, 2 T. R. 194.

No. II. 17 Geo. II. c. 5.

the city or liberties of the city of *London*, to be conveyed on, as directed by this Act, the said beadle or constable shall not deliver such person in any other precinct within the said city or liberties, but in the next county, as directed by this Act.

How to order vagrants whose settlements cannot be found.

XXVIII. And be it further enacted by the authority aforesaid, That where any persons offending against this Act, have been committed as aforesaid to the house of correction, there to remain until the next general or quarter-sessions, if upon the examination of the person so committed as aforesaid, no place can be found to which they may be sent by a pass as aforesaid, the said justices shall at the said sessions order such persons to be detained and employed in the house of correction, until they can provide for themselves, or until the justices of the peace, at their general or quarter-sessions, can place them out in some lawful calling, as servants, apprentices, soldiers, mariners, or otherwise, either within this realm, or his Majesty's colonies or plantations in *America*, which the said sessions are impowered to do in such manner as they shall think fit.

John Dutton.

XXIX. Provided always, That this Act, or any thing therein contained, or any authority thereby given, shall not in any ways extend to disinherit, prejudice, or hinder the heirs or assigns of *John Dutton* of *Dutton*, late of the county of *Chester*, Esquire, deceased, their heirs or assigns, for, touching, or concerning the liberty, privilege, pre-eminence or authority, jurisdiction or inheritance, which they, their heirs or assigns, now lawfully use, or have, or lawfully may, or ought to use within the county palatine of *Chester*, and county of *Chester*, or either of them, by reason of any ancient charters of any kings of this land, or by reason of any prescription, or lawful usage, or title whatsoever.

Clause concerning erecting or enlarging houses of correction.

XXX. And for the better execution of this Act, Be it further enacted by the authority aforesaid, That upon the presentment of the grand jury or grand juries at the assizes, great session, or general gaol delivery, held for any county or liberty, that there is no house of correction; and that it will be necessary to provide one or more house or houses of correction in any such county, or in any riding, liberty, or division, in any such county; or that the house or houses of correction already provided therein respectively, is or are not sufficient; and that it will be necessary to provide one or more house or houses of correction there, or that such house or houses of correction is or are not sufficient or convenient, or want to be enlarged; the justices of the peace of any county, riding, liberty, or division, being at the general or quarter-sessions assembled, shall have full power and authority to build, erect, or enlarge, one or more fit or convenient house or houses of correction, or to buy or hire one or more fit or convenient house or houses for that purpose, with a convenient backside or outlet, or convenient backsides or outlets thereto adjoining, or to purchase land, and erect such house or houses of correction upon part thereof, and to lay out the rest of such land for such backside or backsides, outlet or outlets, within any such county, riding, liberty, or division, according to the true intent and effect of such presentment; and the said justices being so assembled at the general or quarter-sessions, may and shall conclude and agree upon raising such sums of money, as upon examination of able and sufficient workmen, or any other persons, shall appear to be necessary for building, erecting, or enlarging such house or houses of correction, or for purchasing or hiring a house, houses, or land (if thought necessary, for that purpose: And if it shall be thought necessary for that purpose, to buy or purchase any house, houses, or land, the house, houses, or land so purchased, shall be conveyed to such person or persons as the said justices so assembled at their general or quarter-sessions, shall think fit, in trust and for the use and purposes aforesaid.

Houses of correction to be under the management of the justices; except those maintained by private founders.

XXXI. And be it further enacted by the authority aforesaid, That the justices of the peace for any county, riding, city, borough, town corporate, division, or liberty, at their general or quarter-sessions, shall, and are hereby required, from time to time, to take effectual care that the houses of correction already provided, or hereafter to be provided, within the limits of their respective jurisdictions, except such houses of correction as have been, or shall be erected or maintained by any particular founder or

founders, shall be duly fitted up, furnished, and supplied with sufficient implements, materials, and furniture for keeping, relieving, setting to work, employing, and correcting all idle and disorderly persons, rogues, vagabonds, incorrigible rogues, and others, who shall be sent to, confined, or continued in the same; and two of the justices of the peace within the respective hundreds, divisions, or jurisdictions, where there shall be any house or houses of correction, or any two justices who shall be appointed at the general or quarter-sessions for that purpose, shall and are hereby required to visit the same twice, or oftner, if need be, in every year, and to examine into the estate and management thereof, and to report the same to the next general or quarter-sessions; to the intent, that if any thing be amiss therein, the same may, by order of such general or quarter-sessions, be reformed and amended; and the said justices, at their respective general or quarter-sessions, shall have the like power and authority over the houses of correction to be erected or purchased by virtue of this Act, as they have by virtue of any law now in force, over those already erected and provided; and further, that if the said governors or masters of the said houses of correction shall not set or keep the said idle and disorderly persons, rogues, vagabonds, or incorrigible rogues to hard labour, and punish and correct them according to the directions of the warrants or orders by which they shall be committed to, or detained in their custody, or shall otherwise misbehave themselves, or be defective, remiss, or negligent in their duty; the said justices, at their said general or quarter-sessions, are hereby required to set and impose such fines and penalties upon them, as they shall think fit and convenient, in the same manner as fines and penalties may be set and imposed on governors or masters of houses of correction, for the neglect therein mentioned, by an Act of Parliament passed in the seventh year of the reign of King *James* the First, intituled, *An Act for the due execution of divers laws and statutes heretofore made against rogues, vagabonds, and sturdy beggars, and other lewd and idle persons;* which fines and penalties shall be paid to the treasurer of the county, riding, liberty, or division, and shall be accounted for by him as part of the publick or county stock; and the said justices, at their respective general or quarter-sessions, may from time to time appoint and remove the governor or governors, master or masters, or other officers of such houses of correction, and make such orders and regulations as they shall think fit, for the better governing and regulating of the said houses of correction, and for employing, relieving, and punishing the persons therein, or for sending them to or from thence, according to the true intent and meaning of this Act; which said order or orders of such justices shall be final to all intents and purposes, and no *certiorari* shall be granted for the removal of the same: And in case the person or persons removed by order of any general or quarter-sessions, shall refuse or neglect to quit the possession of such house of correction, from whence he or they are ordered to be removed, for the space of ten days next after notice given him or them in writing by the clerk of the peace; it shall and may be lawful to and for any two or more justices of the peace of the same county, riding, division, or place (upon producing to them such order of sessions, or an attested copy thereof, and upon oath made before them by one or more credible witness or witnesses, of such notice having been given to the person or persons so removed, and of his or their having refused or neglected to quit possession) by warrant under their hands and seals, to direct the sheriff of the same county, riding, division, or place, to remove him or them out of such house of correction, and is hereby authorized and required to clear the possession thereof, in like manner as upon a writ of *habere facias possessionem.*

Masters of houses of correction to be fined for misbehaviour,

7 Jac. 1 c. 4.

or turned out at the discretion of the justices.

XXXII. 'And whereas doubts have arisen, and may arise, where authority is given to any justice or justices of the peace, to commit offenders to the house of correction for offences cognizable before them, out of the general or quarter-sessions of the peace, how long offenders may be there detained, and in what manner treated, where the time and manner of their punishment is not by law expressly directed, limited, or appointed;' Be it therefore enacted by the authority aforesaid, That where any offenders shall be committed as aforesaid, by virtue of any law now in

Power of justices in committing offenders.

No. II. 17 Geo. II. c. 5.

being, or hereafter to be made, and the time and manner of their punishment is not expressly limited, directed, and appointed, the said justice or justices shall commit such offender to the house of correction, there to be kept to hard labour until the next general or quarter-sessions, or until discharged by due course of law; and it shall and may be lawful for two justices (of which the justice who committed such offender to be one) to discharge the said offender before the said sessions, if they see cause; and if he shall not be so discharged, the said sessions may either discharge him, or continue him in custody for such time as they shall see fit, not exceeding three months.

XXXIII. And to defray the expences of apprehending, passing, conveying, and maintaining rogues, vagabonds, and incorrigible rogues, and likewise the expences of erecting, purchasing, hiring, enlarging, altering, and repairing houses of correction, and of purchasing land to erect them upon, and for backsides and outlets, and of fitting up and furnishing such houses of correction, and of sending persons to and from the same, and employing them there, according to the directions of this Act, and for defraying all other expences necessary for the execution of this Act, not hereinbefore provided for; Be it further enacted by the authority aforesaid, That the justices of the peace at the general or quarter-sessions, may and shall cause such sums of money as shall be necessary for all or any of the purposes aforesaid, to be raised in the same manner as rates are directed to be raised by an Act made in the twelfth year of the reign of his present Majesty, intituled, *An Act for the more easy assessing, collecting, and levying of County Rates.*

Justices to raise money to defray all expences by rates, as directed by 12 Geo. 2. c. 29.

XXXIV. And be it further enacted by the authority aforesaid, That if any person or persons shall be sued for any matter or thing which he or they shall do in execution of this Act, he or they may plead the general issue, and give the special matter in evidence; and if a verdict shall pass for the defendant, or the plaintiff shall be nonsuited, or discontinue his suit, the defendant may recover treble costs; and that this Act shall be deemed to commence from the first day of *June* one thousand seven hundred and forty-four; and from that time an Act made in the thirteenth year of the reign of his present Majesty, intituled, *An Act for amending and enforcing the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and for reducing the same into one Act of Parliament; and also for amending the Laws for erecting, providing, and regulating Houses of Correction,* shall be, and is hereby repealed; but all the Acts therein mentioned to be repealed, are hereby declared to be repealed, and continue repealed.

General issue.

Treble costs.

Act 13 Geo. 2. c. 24, repealed.

[No. III.] 25 George II. c. 36.—An Act for the better preventing Thefts and Robberies, and for regulating Places of Public Entertainment, and punishing Persons keeping disorderly Houses.*

* [At length, Pt. V. Cl. XXII. No. X.]

No. III. 25 Geo. II. c. 36.

XII. AND for the better discovering and bringing to justice thieves, robbers, and other persons maintaining themselves by pilfering and defrauding mankind: Be it enacted by the authority aforesaid, That it shall and may be lawful to and for any two or more of his Majesty's justices of the peace, in any county, city or liberty, in case any person apprehended upon any general privy search, or by virtue of any special warrant, shall be charged before them with being a rogue and vagabond, or an idle and disorderly person, or with suspicion of felony (although no direct proof be then made thereof), to examine such person upon oath, not only as to the parish or place where he was last legally settled, but also as to his means of livelihood; the substance of which examination shall be put into writing, and be subscribed or signed by the person so examined; and the said justices shall likewise sign the same, and transmit it to the next gene-

Justices may examine on oath rogues, vagabonds and other disorderly persons;

No. III. 25 Geo. II. c. 36.

ral or quarter-sessions of the peace to be holden for the same county, city or liberty there to be filed, and to be kept on record: And if such person shall not make it appear to such justices, that he has a lawful way of getting his livelihood, or shall not procure some responsible housekeeper to appear to his character, and to give security for his appearance before such justices at some other day to be fixed for that purpose (in case the same shall be required) to commit such person to some prison or house of correction, for any time not exceeding six days; and in the mean time to order the overseers of the poor, or one of them, of the parish or place in which such person shall be apprehended, to insert an advertisement in some public paper, describing such suspicious person, and any thing or things which shall have been found upon him, or in his custody, and which he shall be suspected not to have come honestly by, and mentioning the place to which such person is committed, and specifying the time and place when and where such person is to be again brought before them to be re-examined; and if no accusation shall be then laid against him, then such person shall be discharged, or otherwise dealt with according to law.

the examination to be transmitted to the sessions.

Person not giving a satisfactory account, &c. to be committed, and an advertisement to be published describing his person, and the things found on him.

[No. IV.] 26 George II. c. 34.—An Act to explain, amend and continue several Laws more effectually to prevent the spreading of the Distemper which now rages amongst the horned Cattle in this Kingdom; **for the more effectual paying the Expences of passing Vagrants,** for obviating Doubts that may arise touching the keeping of Prisoners, until the Prison of the *Marshalsea* of the Court of King's Bench shall be rebuilt or repaired; and for amending so much of the Act of the twenty-fourth of his present Majesty for regulating the commencement of the Year, and for correcting the Calendar now in Use, as relates to the Time of electing public Officers of the City of *Chester*.

No. IV. 26 Geo. II. c. 34. 17 Geo. 2. c. 5.

'II. AND whereas by an Act made in the seventeenth year of the reign 'of his present Majesty, intituled, *An Act to amend and make more 'effectual the Laws relating to Rogues, Vagabonds and other idle and disorderly 'Persons, and to Houses of Correction;* it is enacted, That all rogues, vaga- 'bonds and incorrigible rogues sent by passes from one county, riding, di- 'vision, corporation or franchise, into any other county, riding, division, 'corporation or franchise, shall be delivered to the constable or other such 'officer of the first town, parish or place in the next county, riding, divi- 'sion, corporation or franchise, to be by him conveyed forward in such 'manner as by the said Act is directed; and that the allowances to be made 'to the constables and other such officers for the conveying of such rogues, 'vagabonds, and incorrigible rogues, shall be paid by the high or chief con- 'stables, and that such high or chief constables shall be allowed the same 'by the treasurer of the respective county, riding, liberty, division, cor- 'poration or franchise, on his passing his accounts: And whereas it fre- 'quently happens that the high or chief constables have not a sum of mo- 'ney in their hands sufficient to answer the said expences; Be it therefore enacted by the authority aforesaid, That all rogues, vagabonds, and incorrigible rogues sent by passes from one county, riding, division, corporation or franchise, into any other county, riding, division, corporation or franchise, shall be delivered to the constable or other such officer of the first town, parish or place in the next county, riding, division, corporation or franchise, and shall be by such constable or other such officer conveyed forward in the manner by the said Act directed and prescribed, and not otherwise; and that it shall and may be lawful for the treasurer of each county, riding, division, corporation or franchise, and he is hereby required to pay to such constable or other officer the charges of conveying such rogues, vagabonds, and incorrigible rogues, upon such constable or other officer producing to him the certificate and such other vouchers as are re-

Vagrants passed from one county to another, how to be conveyed.

No. IV. 26 Geo. II. c. 34.

quired by the said Act to be delivered to such high or chief constables; and the sums so paid shall be allowed by the justices of the peace to such treasurer in his account, on his producing the vouchers aforesaid, together with the receipt of the said constable; any thing in the said Act contained to the contrary notwithstanding.

[No. V.] 23 George III. c. 88.—An Act to extend the Provisions of an Act, intituled, *An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction, and to certain Cases not therein mentioned.*

No. V. 23 Geo. III. c. 88.

'WHEREAS divers ill-disposed persons are frequently apprehended, having upon them implements for housebreaking, or offensive weapons, or 'are found in or upon houses, warehouses, stables, or out-houses, areas 'of houses, coach-houses, inclosed yards or gardens belonging to houses, 'with intent to commit felonies; and although their evil purposes are 'thereby manifested, the power of his Majesty's justices of the peace to 'demand of them sureties for their good behaviour, hath not been of suf-'ficient effect to prevent them from carrying their evil purposes into exe-'cution;' be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That if any person or persons shall, after the first day of *August* one thousand seven hundred and eighty-three, be apprehended (1) having upon him, her, or them, any picklock key, crow, jack, bit, or other implement, with an intent feloniously to break and enter into any dwelling-house, warehouse, coach-house, stable, or outhouse; or shall have upon him, her, or them any pistol, hanger, cutlass, bludgeon, or other offensive weapon, with intent feloniously to assault any person or persons; or shall be found in or upon any dwelling-house, warehouse, coach-house, stable, or out-house, or in any inclosed yard or garden, or area belonging to any house, with an intent to steal any goods or chattels; every such person or persons shall be deemed a rogue and vagabond, within the intent and meaning of the statute made in the seventeenth year of his late Majesty King *George* the Second, intituled, *An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction.*

Every person apprehended having any implement for housebreaking, or any offensive weapon, with felonious intent, shall be deemed a rogue, &c. within 17 G. 2. c. 5.

(1) The Act only applies if the person had the implements upon him when apprehended; R. v. Brown, 8 T. R. 26.

[No. VI.] 32 George III. c. 45.—An Act to explain and amend an Act, made in the seventeenth Year of the Reign of his late Majesty King *George* the Second, intituled, *An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction.*

No. VI. 32 Geo. III. c. 45.

'WHEREAS great abuses are committed in conveying, from one place to another by passes, persons who are not rogues or vagabonds, or in 'conveying such persons who are rogues and vagabonds, without complying 'with the directions of the Act passed in the seventeenth year of the reign 'of his late Majesty King *George* the Second, intituled, *An Act to amend 'and make more effectual the Laws relating to Rogues, Vagabonds, and other 'idle and disorderly Persons, and to Houses of Correction;* which said Act 'directs, that such persons only shall be conveyed by a pass, under the 'hand and seal of a justice of peace, who have been first publickly whipt 'or confined in the house of correction: And whereas the said Act, in 'other respects, requires to be amended;' may it therefore please your

Preamble. 17 G. 2. c. 5. recited.

No. VI.
32 Geo. III.
c. 45.

Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That when any justice of the peace shall order to be conveyed by a pass, under his hand and seal, any rogue or vagabond, according to the provisions of the said Act, such rogue or vagabond shall be either publickly whipt, or be sent to the house of correction, there to remain until the next general or quarter sessions, or for any such less time as such justice of the peace shall think proper; provided that such less time shall be at the least for the space of seven days, and that such justice of the peace shall certify, in the pass by which such person shall be ordered to be conveyed, that such person has been actually publickly whipt, or confined in the house of correction for at least the space of seven days; provided also, that no person shall be so whipt or imprisoned, and conveyed by a pass as a rogue or vagabond, who shall not have committed an Act of vagrancy within the true intent and meaning of the said Act, and who shall not have been convicted thereof.

Rogues or vagabonds ordered to be conveyed by passes agreeable to the recited Act, to be publickly whipt, or confined in a house of correction, &c.

II. And be it further enacted by the authority aforesaid, That no justice of the peace shall order any reward to be paid to any constable or other person for apprehending any rogue or vagabond, until such rogue or vagabond shall have been punished as hereby directed, and until the examination required by the aforesaid Act be actually transmitted to the next general or quarter sessions, there to be filed and kept on record.

No reward to be paid for apprehending rogues or vagabonds, until they shall have been punished, &c.

III. And be it further enacted by the authority aforesaid, That whenever any female shall be guilty of any offence, for which she shall be convicted as a rogue and a vagabond, or incorrigible rogue, before any justice of the peace, or the court of general or quarter sessions, in no case whatever such justice, or court of general or quarter sessions, shall inflict the punishment of whipping upon such female rogue and vagabond, or incorrigible rogue; any law or statute to the contrary in any wise notwithstanding.

No female vagabond to be whipt.

IV. And be it further enacted by the authority aforesaid, That any of his Majesty's judges at the assizes, and the justices at the general or quarter sessions, or any justice of the peace, is and are hereby empowered to order, whenever he or they shall think proper, any convict, upon his discharge from prison, to be conveyed by pass under hand and seal, in manner and form directed by the aforesaid Act, and according to the provisions therein contained; and the judge, justices, or justice aforesaid, is or are also empowered to convey by pass any person who shall be acquitted at the assizes, or general or quarter sessions, or discharged by proclamation or otherwise, who shall of himself or herself, or by any other person in his or her behalf, apply to the Court whereat he or she has been acquitted or discharged, or to any justice of the peace, to be conveyed as aforesaid; and the judge, justices, or justice aforesaid, shall certify in such pass that the person so conveyed was discharged from prison, or a person acquitted, or otherwise discharged, at the assizes or sessions, as the case may be; and such convict, or person acquitted or discharged, shall pay no fee whatever for such pass.

Convicts discharged from prison, and persons acquited at assizes, &c. may be conveyed by passes, &c.

V. 'And whereas the present mode of conveying vagrants in the custody 'of a constable is frequently insufficient, from the misconduct and negli-'gence of constables;' be it therefore enacted by the authority aforesaid, That the justices of the peace, at the general or quarter sessions held for any county, riding, city, borough, town corporate, division, or liberty, or any adjournment thereof, shall be empowered to make an order that all rogues and vagabonds apprehended in their respective counties, ridings, cities, boroughs, towns corporate, divisions or liberties, and who are ordered to be conveyed by pass, shall be conveyed by the master of the house of correction or his servants, or by a constable, as such justices at the general or quarter sessions, or any adjournment thereof, shall think proper; and such justices shall also be empowered to make an order, if they think proper, that all constables to whom rogues or vagabonds brought from another county, riding, city, borough, town corporate, division, or liberty, are delivered, shall forthwith convey such rogues and vagabonds to the nearest house of correction in their county, riding, city, borough, town corporate

Justices may order vagrants to be conveyed by masters of houses of correction, &c.

No. VI. 32 Geo. III. c. 45.

division, or liberty, to be afterwards forwarded by the master of the house of correction, or his servants, as aforesaid, and according to the provisions of the said recited Act.

Justices at sessions to direct what rates shall be allowed for passing, &c. rogues, &c.

VI. And be it further enacted by the authority aforesaid, That the justices of the peace of any county, riding, city, borough, town corporate, division, or liberty, shall and may at the general or quarter sessions of the peace from time to time, limit, appoint, and direct what rates and allowances *per* mile, or otherwise, shall be made for the passing, conveying, or maintaining of rogues, vagabonds, or incorrigible rogues, to be passed or conveyed as aforesaid; and may likewise make such other orders, rules, and directions for the more regular proceeding or acting therein, within their respective limits and jurisdictions, as they in their discretion shall think proper; which rates, allowances, orders, rules, and directions shall from time to time be observed and submitted to by all justices of the peace, constables, officers, and other persons within the same limits and jurisdictions respectively.

Soldiers and mariners, wandering and begging, to be deemed vagabonds.

VII. 'And whereas soldiers travelling from one place to another, having 'a certificate from their officers, or the secretary at war, are permitted to 'beg, and that mariners or seafaring men discharged are licensed to beg, by 'some testimonial or writing under the hand and seal of a justice of the 'peace: and whereas such permission to beg is highly improper;' be it it therefore enacted by the authority aforesaid, That every soldier and mariner wandering abroad and begging, shall be deemed a rogue and vagabond within the meaning of the said Act.

Persons neglecting to provide for their families, to be deemed idle and disorderly.

VIII. 'And whereas several persons, by their wilful default and neglect, 'permit their wives and children to become chargeable to their respective 'parishes or townships;' be it therefore enacted, That if it shall be made appear to any two justices of the peace, that any poor person shall not use proper means to get employment, or, if he is able to work, by his neglect of work, or by spending his money in alehouses or places of bad repute, or in any other improper manner, shall not apply a proper proportion of the money earned by him towards the maintenance of his wife and family, by which wilful default or neglect they, or any of them, shall become chargeable to their parish or township, he shall be considered as an idle and disorderly person, and be subject to such punishment, and in such manner, as is directed for idle and disorderly persons by the aforesaid Act.

[No. VII.] 39 and 40 George III. c. 50.—An Act to extend the Provisions of an Act made in the seventeenth Year of the Reign of King *George* the Second, intituled, *An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction.*—[20*th June* 1800.]

[Inserted ante. Title *Game*, Cl. XIX. No. XLVI.]

[No. VIII.] 43 George III. c. 61.—An Act for the Relief of Soldiers, Sailors, and Marines, and of the Wives of Soldiers, in the Cases therein mentioned, so far as relates to *England*.—[24*th June* 1803.]

No. VIII. 43 Geo. III. c. 61.

32 G. 3. c. 45.

'WHEREAS soldiers and marines, and sailors, or persons discharged 'from being such, having occasion to return to their respective homes 'or places of legal settlement in *England*, which are frequently at a con-'siderable distance, are under the necessity of soliciting alms for their re-'lief: And whereas by such soliciting they have been, by and under an 'Act of the thirty-second year of his present Majesty, intituled, *An Act to 'explain and amend an Act, made in the seventeenth year of the reign of his 'late Majesty King* George *the Second*, intituled, *An Act to amend and make 'more effectual the Laws relating to Rogues, Vagabonds, and other idle and*

No. VIII. 43 Geo. III. c. 61.

'*disorderly Persons, and to Houses of Correction*, deemed rogues and vagabonds, within the meaning of the said Act of the seventeenth year of his late Majesty King *George* the Second, and liable to be punished accordingly:' For remedy thereof, may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That every soldier or marine duly discharged out of any regiment, and every sailor duly discharged out of any ship or vessel belonging to his Majesty's navy, carrying his discharge by the third day at the latest from the date thereof, to the mayor or chief magistrate of the city, town, port, or corporate place, nearest to or within fifteen miles from the place where he shall have received his discharge, shall receive from such mayor or chief magistrate a certificate under his hand, stating the place to which the person so discharged is desirous of going, being his home or place of legal settlement, together with the time to be fixed, not exceeding ten days for every one hundred miles, and so in proportion, except for a reasonable cause to be expressed in such certificate; and such person having and producing to such persons as shall lawfully demand to see the same such discharge, and such certificate as aforesaid, and being in his route accordingly, both as to time and road, shall not by reason of asking relief be deemed to be a rogue or vagabond within the meaning of the said Acts, or either of them: Provided always, that every such discharge shall bear the true date, both as to the time when and the place where it was given, and shall express the sum or sums, if any, which were paid to such soldier or sailor at such time and place.

Every soldier or sailor, on carrying his discharge within three days to the nearest chief magistrate, shall receive a certificate of his settlement, on producing which, being in his route, he shall not, for asking relief, be deemed a vagabond.

II. 'And whereas it frequently happens that where regiments are ordered upon foreign service, the wives of non-commissioned officers and soldiers being with their husbands, are not permitted to embark, and having thereupon the like occasion to return to their homes or places of legal settlement, are under the like necessity of soliciting alms, and it is expedient that they also should be declared free and exempt from the fines and penalties of the said Acts;' be it further enacted, That the wife of any non-commissioned officer or soldier ordered for foreign service, making due proof of her not being permitted to embark with her husband, before the mayor or chief magistrate of the city, town, port, or corporate place, nearest to or within fifteen miles from the place at which the regiment to which the said non-commissioned officer or soldier belongs is ordered to embark, or of any other city, town, port, or corporate place, at which the said regiment shall happen to be on its march under orders for embarkation, shall receive from such mayor or chief magistrate a certificate under his hand, and the corporate seal of such city, town, port, or place, stating the place to which she is desirous of going, being her home, or place of legal settlement, together with the time to be fixed, not exceeding ten days for every one hundred miles, and so in proportion, except for a reasonable cause to be expressed in such certificate; and such person having, and producing to such person as shall lawfully demand the same, such certificate, and being in her route accordingly both as to time and road, shall not, by reason of asking relief, be deemed to be a rogue or vagabond within the meaning of the said Acts or either of them.

Soldiers' wives not being permitted to embark with their husbands, shall receive from the nearest chief magistrate a like certificate, which shall entitle them to ask relief on their route, &c.

III. And be it further enacted by the authority aforesaid, That in case of accident or sickness duly proved, which shall prevent the person having such certificate from proceeding on his or her journey, according to the terms prescribed therein, it shall and may be lawful to and for the chief magistrate of any other city, town, port, or corporate place where such person shall be, or shall arrive, to grant a new certificate, stating therein the true reasons for granting the same, and containing the like provisions as are hereinbefore described, and annex the same to the former certificate.

New certificates, in case of accident or sickness.

IV. And be it further enacted, That certificates or passes granted as heretofore from the office of admiralty or war office to discharged sailors, soldiers, or marines, or to the families of sailors, soldiers, or marines, serving abroad, or lately deceased, to carry them to their respective homes, shall have the same effect and force to all intents and purposes whatever

Passes from Admiralty or War-Office shall have the same effect as heretofore.

No. VIII. 43 Geo. III. c. 61.

as the certificates herein permitted to be given by the magistrate as aforesaid; and that the terms of the same may be extended in each instance which shall appear to require it by a new certificate from another magistrate in manner hereinbefore mentioned.

[No. IX.] 57 George III. c. 90. An Act for the Prevention of Persons going armed by Night for the Destruction of Game; and for repealing an Act, made in the last Session of Parliament, relating to Rogues and Vagabonds.—[10th *July* 1817.]

No. IX. 57 Geo. III. c. 90.

WHEREAS idle and disorderly persons frequently go armed in the night-time for the purpose of protecting themselves, and aiding and abetting and assisting each other in the illegal destruction of game or rabbits: And whereas such practices are found by experience to lead to the commission of felonies and murders: For the more effectual suppression thereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That if any person or persons, having entered into any forest, chase, park, wood, plantation, close, or other open or inclosed ground, with the intent illegally to destroy, take, or kill game or rabbits, or with the intent to aid, abet, and assist any person or persons illegally to destroy, take, or kill game or rabbits, shall be found at night, that is to say, between the hours of six in the evening and seven in the morning from the first day of *October* to the first day of *February*, between seven in the evening and five in the morning from the first day of *February* to the first day of *April*, and between nine in the evening and four in the morning for the remainder of the year, armed with any gun, cross-bow, fire arms, bludgeon, or any other offensive weapon, every such person so offending, being thereof lawfully convicted, shall be adjudged guilty of a misdemeanour, and shall be sentenced to transportation for seven years, or shall receive such other punishment as may by law be inflicted on persons guilty of misdemeanour, and as the Court before which such offenders may be tried and convicted shall adjudge; and if any such offender or offenders shall return into *Great Britain* before the expiration of the term for which he or they shall be so transported, contrary to the intent and meaning hereof, he or they so returning, and being thereof duly convicted, shall be adjudged guilty of felony, and shall be sentenced to transportation for the term or terms of his or their natural life or lives.

Persons found at certain times within any forest, &c. with intent to destroy, take, or kill game, deemed guilty of misdemeanour.

Transportation for seven years.

Offenders returning to be transported for life.

II. And for the more easy and speedy bringing the offenders against this Act to justice, be it further enacted, That it shall and may be lawful to and for the ranger and rangers, and to and for the owner and owners, occupier and occupiers of any such forest, chase, park, wood, plantation, close, or other open or inclosed ground, and also for his, her, or their keeper and keepers, servant and servants, and also for any other person or persons, to seize and apprehend, or to assist in seizing and apprehending such offender or offenders by virtue of this Act, and by the authority of the same to convey and deliver such offender or offenders into the custody of a peace officer, who is hereby authorized and directed to convey such offender or offenders before some one of his Majesty's justices of the peace for the county or place where such offence shall be alleged to have been committed; or in case such offender or offenders shall not be so apprehended, then it shall and may be lawful for any such justice, on information before him on the oath of any credible witness or witnesses, to issue his warrant for the apprehension of such offender or offenders; and if upon the apprehension of any such offender or offenders, it shall appear to such justice, on the oath of any credible witness or witnesses, that the person or persons so charged hath or have been guilty of the crime of being found armed at night as aforesaid, it shall and may be lawful for such justice to admit such person or persons so charged to bail, and in default of bail to commit such person or persons to the county gaol until the next general quarter sessions of the peace, or the next general commission of gaol delivery, to be holden for the same county or place, there to be tried and dealt with as by this Act is

How offenders are to be brought to justice.

directed; and if in *Scotland*, until such person or persons so charged shall be dealt with as any person or persons charged with a transportable offence may be dealt with according to the law and practice of *Scotland*.

No. IX. 57 Geo. III. c. 90.

III. And be it further enacted, That if any person or persons shall after the passing of this Act unlawfully enter into or be found in any forest, chase, park, wood, plantation, close, or other open or inclosed ground at night, according to the provisions of this Act, with respect to what shall be deemed night for the purposes hereof, having any net, engine, or other instrument, for the purpose and with the intent to destroy, take, or kill, or shall wilfully destroy, take, or kill game, it shall and may be lawful to and for the ranger and rangers, and to and for the owner and owners, occupier and occupiers of any such forest, chase, park, wood, plantation, close, or other open or inclosed ground, and also for his, her, or their keeper and keepers, servant and servants, and also for any other person or persons, to seize and apprehend or to assist in seizing and apprehending such offender or offenders by virtue of this Act, and by the authority of the same to convey and deliver such offender or offenders into the custody of a peace officer, who is hereby authorized and directed to convey such offender or offenders before some one of his Majesty's justices of the peace for the county or place where such offence shall be alleged to have been committed, to be dealt with according to law.

Persons found in any Forest, &c., at night, with any Engine, &c., for destroying Game, may be taken before a Justice.

IV. And be it further enacted, That an Act made in the last Session of Parliament, intituled *An Act to repeal an Act made in the Thirty-ninth and Fortieth Years of His present Majesty's Reign, intituled An Act to extend the Provisions of an Act made in the Seventeenth Year of the Reign of King* George *the Second, intituled An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction, and to make other Provisions in lieu thereof;* shall be and the same is hereby repealed.

56 G. 3. c. 130. repealed.

V. And be it further enacted, That the said Act made in the thirty-ninth and fortieth years of his present Majesty, intituled *An Act to extend the Provisions of an Act made in the Seventeenth Year of the Reign of King* George *the Second, intituled An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction,* shall be and the same is hereby repealed.

39 & 40 G. 3. c. 50. repealed.

[No. X.] 1 and 2 George IV. c. 64.—An Act to amend the Laws now in force relating to Vagrants, until the first day of *September* One thousand eight hundred and twenty-two. —[2nd *July* 1821.]

[No. XI.] 5 George IV. c. 83.—An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds, in that Part of *Great Britain* called *England*.—[21st *June* 1824.]

No. XI. 5 Geo. IV. c. 83.

WHEREAS an Act was passed in the third year of the reign of his present Majesty, intituled *An Act for consolidating into one Act and amending the Laws relating to idle and disorderly Persons, Rogues, and Vagabonds, incorrigible Rogues and other Vagrants, in* England: And whereas the said Act was to continue in force until the first day of *September* one thousand eight hundred and twenty-four, and no longer; and it is expedient to make further provision for the suppression of vagrancy, and for the punishment of idle and disorderly persons, rogues, and vagabonds, and incorrigible rogues, in *England;* be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That all provisions heretofore

3 G. 4. c. 40.

Provisions heretofore made relative to Vagrants shall be repealed, except as to Offences committed before the passing of this Act.

No. XI. 5 Geo. IV. c. 83.

made relative to idle and disorderly persons, rogues, and vagabonds, incorrigible rogues or other vagrants, in *England*, shall be and the same are hereby repealed, except only as to any offence committed before the passing of this Act, which shall be punished under the provisions of the said recited Act, and save and except as herein-after excepted.

32 G. 3. c. 45.

II. And whereas by an Act passed in the thirty-second year of the reign of his late Majesty King *George* the Third, intituled *An Act to explain and amend an Act made in the Seventeenth Year of the Reign of His late Majesty King* George *the Second, intituled An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction*, his Majesty's judges of assizes and the justices at the general or quarter sessions, or any justice of the peace, are empowered to order any convict upon his discharge from prison to be conveyed by pass in manner therein directed; and the judge, justices or justice aforesaid, are also empowered to convey by pass any person who shall be acquitted at the assizes or general or quarter sessions, or discharged by proclamation or otherwise, who shall apply to be conveyed as aforesaid: And whereas doubts have arisen whether such parts of such Act as give such power to order such person to be conveyed by pass were by the provisions of the said recited Act of the third year of the reign of his present Majesty repealed: And whereas it is expedient to remove such doubts; be it therefore declared and enacted, That all such provisions of the said recited Act of the thirty-second year of the reign of his late Majesty King *George* the Third, as give such power of conveying by pass any convict upon his discharge from prison, and any person who shall be acquitted at the assizes or general or quarter sessions, or discharged by proclamation or otherwise, shall be and the same is hereby repealed.

Provisions of recited Act as give Power of passing Convicts on Discharge from Prison repealed.

III. And be it further enacted, That every person being able wholly or in part to maintain himself or herself, or his or her family, by work or by other means, and wilfully refusing or neglecting so to do, by which refusal or neglect he or she, or any of his or her family whom he or she may be legally bound to maintain, shall have become chargeable to any parish, township, or place; every person returning to and becoming chargeable in any parish, township, or place from whence he or she shall have been legally removed by order of two justices of the peace, unless he or she shall produce a certificate of the churchwardens and overseers of the poor of some other parish, township, or place, thereby acknowledging him or her to be settled in such other parish, township, or place; every petty chapman or pedlar wandering abroad and trading, without being duly licensed, or otherwise authorized by law; every common prostitute wandering in the public streets or public highways, or in any place of public resort, and behaving in a riotous or indecent manner; and every person wandering abroad, or placing himself or herself in any public place, street, highway, court, or passage, to beg or gather alms, or causing or procuring or encouraging any child or children so to do, shall be deemed an idle and disorderly person within the true intent and meaning of this Act; and it shall be lawful for any justice of the peace to commit such offender (being thereof convicted before him by his own view, or by the confession of such offender, or by the evidence on oath of one or more credible witness or witnesses) to the house of correction, there to be kept to hard labour for any time not exceeding one calendar month.

Persons committing certain Offences how to be punished.

IV. And be it further enacted, That every person committing any of the offences herein-before mentioned, after having been convicted as an idle and disorderly person; every person pretending or professing to tell fortunes, or using any subtle craft, means, or device, by palmistry or otherwise, to deceive and impose on any of his Majesty's subjects; every person wandering abroad and lodging in any barn or outhouse, or in any deserted or unoccupied building, or in the open air, or under a tent, or in any cart or waggon, not having any visible means of subsistence, and not giving a good account of himself or herself; every person wilfully exposing to view, in any street, road, highway, or public place, any obscene print, picture, or other indecent exhibition; every person wilfully, openly,

Persons committing certain Offences to be deemed Rogues and Vagabonds.

lewdly, and obscenely exposing his person in any street, road, or public highway, or in the view thereof, or in any place of public resort, with intent to insult any female; every person wandering abroad and endeavouring by the exposure of wounds or deformities to obtain or gather alms; every person going about as a gatherer or collector of alms, or endeavouring to procure charitable contributions of any nature or kind, under any false or fraudulent pretence; every person running away and leaving his wife, or his or her child or children, chargeable, or whereby she or they or any of them shall become chargeable to any parish, township, or place; every person playing or betting in any street, road, highway or other open and public place, at or with any table or instrument of gaming, at game or pretended game of chance; every person having in his or her custody or possession any picklock key, crow, jack, bit, or other implement, with intent feloniously to break into any dwelling-house, warehouse, coach-house, stable, or outbuilding, or being armed with any gun, pistol, hanger, cutlass, bludgeon, or other offensive weapon, or having upon him or her any instrument, with intent to commit any felonious Act; every person being found in or upon any dwelling-house, warehouse, coach-house, stable, or outhouse, or in any inclosed yard, garden, or area, for any unlawful purpose; every suspected person or reputed thief, frequenting any river, canal, or navigable stream, dock, or basin, or any quay, wharf, or warehouse near or adjoining thereto, or any street, highway, or avenue leading thereto, or any place of public resort, or any avenue leading thereto, or any street, highway, or place adjacent, with intent to commit felony; and every person apprehended as an idle and disorderly person, and violently resisting any constable or other peace officer so apprehending him or her, and being subsequently convicted of the offence for which he or she shall have been so apprehended, shall be deemed a rogue and vagabond, within the true intent and meaning of this Act; and it shall be lawful for any justice of the peace to commit such offender (being thereof convicted before him by the confession of such offender, or by the evidence on oath of one or more credible witness or witnesses) to the house of correction, there to be kept to hard labour for any time not exceeding three calendar months; and every such picklock key, crow, jack, bit, and other implement, and every such gun, pistol, hanger, cutlass, bludgeon, or other offensive weapon, and every such instrument as aforesaid, shall, by the conviction of the offender, become forfeited to the King's Majesty.

Who shall be deemed incorrigible Rogues.

V. And be it further enacted, That every person breaking or escaping out of any place of legal confinement before the expiration of the term for which he or she shall have been committed or ordered to be confined by virtue of this Act; every person committing any offence against this Act which shall subject him or her to be dealt with as a rogue and vagabond, such person having been at some former time adjudged so to be and duly convicted thereof; and every person apprehended as a rogue and vagabond, and violently resisting any constable or other peace officer so apprehending him or her, and being subsequently convicted of the offence for which he or she shall have been so apprehended, shall be deemed an incorrigible rogue within the true intent and meaning of this Act; and it shall be lawful for any justice of the peace to commit such offender (being thereof convicted before him by the confession of such offender, or by the evidence on oath of one or more credible witness or witnesses) to the house of correction, there to remain until the next general or quarter sessions of the peace; and every such offender who shall be so committed to the house of correction, shall be there kept to hard labour during the period of his or her imprisonment.

Any Person may apprehend Offenders.

VI. And be it further enacted, That it shall be lawful for any person whatsoever to apprehend any person who shall be found offending against this Act, and forthwith to take and convey him or her before some justice of the peace, to be dealt with in such manner as is herein-before directed, or to deliver him or her to any constable or other peace officer of the place where he or she shall have been apprehended, to be so taken

No. XI. 5 Geo. IV. c. 83.

and conveyed as aforesaid; and in case any constable or other peace officer shall refuse or wilfully neglect to take such offender into his custody, and to take and convey him or her before some justice of the peace, or shall not use his best endeavours to apprehend and to convey before some justice of the peace any person that he shall find offending against this Act, it shall be deemed a neglect of duty in such constable or other peace officer, and he shall on conviction be punished in such manner as is hereinafter directed.

Penalty on Constables, &c., neglecting their Duty.

VII. And be it further enacted, That it shall be lawful for any justice of the peace, upon oath being made before him that any person hath committed or is suspected to have committed any offence against this Act, to issue his warrant to apprehend and bring before him or some other justice of the peace the person so charged, to be dealt with as is directed by this Act.

Justices to examine Persons apprehended, and if Matter be proved, to commit them.

VIII. And be it further enacted, That it shall be lawful for any constable, peace officer, or other person apprehending any person charged with being an idle and disorderly person, or a rogue and vagabond, or an incorrigible rogue, to take any horse, mule, ass, cart, car, caravan, or other vehicle, or goods in the possession or use of such person, and to take and convey the same as well as such person before some justice of the peace, and for every justice of the peace by whom any person shall be adjudged to be an idle and disorderly person, or a rogue and vagabond, or an incorrigible rogue, to order that such offender shall be searched, and that his or her trunks, boxes, bundles, parcels, or packages shall be inspected in the presence of the said justice, and of him or her, and also that any cart, car, caravan, or other vehicle which may have been found in his or her possession or use, shall be searched in his or her presence; and it shall be lawful for the said justice to order that any money which may be then found with or upon such offender shall be paid and applied for and towards the expence of apprehending, conveying to the house of correction, and maintaining such offender during the time for which he or she shall have been committed; and if upon such search money sufficient for the purposes aforesaid be not found, it shall be lawful for such justice to order that a part, or if necessary the whole of such other effects then found, shall be sold, and that the produce of such sale shall be paid and applied as aforesaid, and also that the overplus of such money or effects, after deducting the charges of such sale, shall be returned to the said offender.

All Vagrants to be searched, and Trunks, Bundles, &c., to be inspected.

Effects found upon Vagrants to be sold, and applied towards the Expences of maintaining such Offenders.

IX. And be it further enacted, That when any justice as aforesaid shall commit any such incorrigible rogue to the house of correction, there to remain till the next general or quarter sessions, or when any such idle and disorderly person, rogue, and vagabond, or incorrigible rogue, shall give notice of his or her intention to appeal against the conviction of him or her, and shall enter into recognizance as herein-after directed to prosecute such appeal, such justice shall require the person by whom such offender shall be apprehended, and the person or persons whose evidence shall appear to him to be material to prove the offence and to support such conviction, to become bound in recognizance to his Majesty, his heirs and successors, to appear at the said general or quarter sessions, to give evidence against such offender touching such offence; and the justices of the peace at their said general or quarter sessions are hereby authorized and empowered, at the request of any person who shall have become bound in any such recognizance, to order the treasurer of the county, riding, division, or place in which the offence shall have been committed, to pay unto such prosecutor, and unto the witness or witnesses on his or her behalf, such sum or sums of money as to the court shall seem reasonable and sufficient to reimburse such prosecutor and such witness or witnesses respectively for the expences he, she, or they shall have been severally put to, and for his, her, or their trouble and loss of time in and about such prosecution; which order the clerk of the peace is hereby directed and required forthwith to make out and deliver unto such prosecutor, or unto such witness or witnesses, upon being paid for the same the sum of two shillings and no more; and the said treasurer is hereby authorized

Justices may bind Persons by Recognizance to prosecute Vagrants at Sessions.

Power of Sessions to order Payment of Expences to Prosecutors and Witnesses.

and required, upon sight of such order, forthwith to pay unto such prosecutor or other person or persons authorized to receive the same, such money as aforesaid, and the said treasurer shall be allowed the same in his account; and in case any such person or persons as aforesaid shall refuse to enter into such recognizance, it shall be lawful for such justice to commit such person or persons so refusing to the common gaol, there to remain until he, she, or they shall enter into such recognizance, or shall be otherwise discharged by due course of law.

Power of Sessions to detain and keep to hard Labour, and punish by Whipping, Rogues and Vagabonds and incorrigible Rogues.

X. And be it further enacted, That when any incorrigible rogue shall have been committed to the house of correction, there to remain until the next general or quarter sessions, it shall be lawful for the justices of the peace there assembled to examine into the circumstances of the case, and to order, if they think fit, that such offender be further imprisoned in the house of correction, and be there kept to hard labour for any time not exceeding one year from the time of making such order, and to order further, if they think fit, that such offender (not being a female) be punished by whipping, at such time during his imprisonment, and at such place within their jurisdiction, as according to the nature of the offence they in their discretion shall deem to be expedient.

Penalty on Officers neglecting their Duties, &c.

XI. And be it further enacted, That in case any constable or other peace officer shall neglect his duty in any thing required of him by this Act, or in case any person shall disturb or hinder any constable or other peace officer in the execution of this Act, or shall be aiding, abetting, or assisting therein, and shall be thereof convicted upon the oath of one or more credible witness or witnesses before one or more justice or justices of the peace where such offence shall be committed, every such offender shall for every such offence forfeit any sum not exceeding five pounds; and in case such offender shall not forthwith pay such sum so forfeited, the same shall be levied by distress and sale of the offender's goods, by warrant from such justice or justices; and if sufficient distress cannot be found, it shall be lawful to and for one or more such justice or justices to commit the person so offending to the house of correction, there to be kept for any time not exceeding three calendar months, or until such fine be paid; and the said justice or justices shall cause the said fine, when paid, to be forthwith delivered to the treasurer of the county, riding, division, or place where such offence shall have been committed, to be by him added to and used as part of the stock of the said county, riding, division, or place.

On Conviction of Officers, &c., Justices to make order for Payment of Expences of Prosecution.

XII. And be it further enacted, That in case any constable or other peace officer shall be convicted before any one or more justice or justices of the peace, for any neglect of any duty required of him by this Act, or of any disobedience of any lawful warrant or order of any justice or justices of the peace issued under the provisions of this Act, and in case any two or more justices of the peace shall impose any fine, or direct any penalty to be paid by such officer, under and by virtue of the powers given to justices of the peace by an Act passed in the thirty-third year of the reign of his late Majesty King *George* the Third, intituled *An Act to authorize Justices of the Peace to impose Fines upon Constables, Overseers, and other Peace or Parish Officers, for Neglect of Duty, and on Masters of Apprentices for Ill-usage of such their Apprentices, and also to make Provision for the Execution of Warrants of Distress granted by Magistrates*, or under any other powers enabling such justices in that behalf, then and in every such case it shall be lawful for such justice or justices, upon conviction of any such offender, to reimburse and allow to the person or persons on whose complaint or information such offender shall have been convicted all necessary costs and expences which such person or persons may thereby have incurred, or by any appeal made in consequence thereof, by making an order under his or their hands and seals upon the treasurer of the county, riding, division, or place, to pay to such person or persons the amount of such costs and expences, on producing the said order and giving a receipt for the same, and the same shall be allowed the said treasurer in his account.

33 G. 3. c. 55.

No. XI.
5 Geo. IV.
c. 83.

Lodging Houses, &c., suspected to conceal Vagrants may be searched, and suspected Persons brought before a Justice.

XIII. And be it further enacted, That it shall be lawful for any justice of the peace, upon information on oath before him made, that any person herein-before described to be an idle and disorderly person, or a rogue and vagabond, or an incorrigible rogue, is or is reasonably suspected to be harboured or concealed in any house kept or purporting to be kept for the reception, lodging, or entertainment of travellers, by warrant under his hand and seal to authorize any constable or other person or persons to enter at any time into such house, and to apprehend and bring before him or any other justice of the peace every such idle and disorderly person, rogue, and vagabond, and incorrigible rogue as shall be found therein, to be dealt with in the manner herein-before directed.

Persons aggrieved may appeal to the next Sessions.

XIV. And be it further enacted, That any person aggrieved by any Act or determination of any justice or justices of the peace out of sessions, in or concerning the execution of this Act, may appeal to the next general or quarter sessions for the county, riding, division, or place in and for which such justice or justices shall have so acted, giving to the justice or justices of the peace, whose act or determination shall be appealed against, notice in writing of such appeal, and of the ground thereof, within seven days after such act or determination, and before the next general or quarter sessions, and entering within such seven days into a recognizance, with sufficient surety, before a justice of the peace for the county or place in which such person shall have been convicted, personally to appear and prosecute such appeal; and upon such notice being given, and such recognizance being entered into, such justice is hereby empowered to discharge such person out of custody; and the court at such general or quarter sessions shall hear and determine the matter of such appeal, and shall make such order therein as shall to the said court seem meet, and in case of the dismissal of the appeal, or the affirmance of the conviction, shall issue the necessary process for the apprehension and punishment of the offender, according to the conviction.

Visiting Justices of Gaols, &c., empowered to grant Certificates for enabling Persons discharged from Prison to receive Alms in their Route.

XV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend so as to restrain, hinder, or prevent any visiting justice of any county gaol, house of correction, or other prison, from granting a certificate or other instrument for enabling any person discharged from a county gaol, house of correction, or other prison, to have or receive alms or relief in or upon his or her route to his or her place of settlement; provided that such certificate be made and drawn up in compliance with the directions and provisions of any Act or Acts of Parliament for the better regulation and management of gaols, houses of correction, or prisons; and if any person to whom any such certificate or instrument shall be delivered shall act in any manner contrary to the directions or provisions of such certificate or instrument, or shall loiter upon his or her route, or shall deviate therefrom, every such person shall be and be deemed to be a rogue and vagabond within the provisions and directions of this Act, and shall be punished accordingly.

Justices not to grant Certificates enabling Persons to ask Relief on Route, except to Soldiers and Sailors.
43 G. 3. c. 61.
Other Persons asking Alms to be deemed Rogues and Vagabonds.

XVI. And be it further enacted, That from and after the passing of this Act, no justice of the peace, mayor, or other magistrate shall grant to any person, other than a person entitled thereto under and by virtue of an Act passed in the forty-third year of the reign of his late Majesty King *George* the Third, intituled *An Act for the Relief of Soldiers, Sailors, and Marines, and of the Wives of Soldiers in the Cases therein mentioned, so far as relates to* England, any certificate or other instrument enabling such person to ask alms or relief in their route to any place, or for any other purpose whatever; and every person asking alms or relief under and by virtue of any certificate or other instrument hereby prohibited, is liable to be declared to be an idle and disorderly person in like manner as if he or she had possessed no such certificate or other instrument as aforesaid.

Form of Conviction under this Act.

XVII. And be it further enacted, That no proceeding to be had before any justice or justices of the peace under the provisions of this Act shall

be quashed for want of form; and every conviction of any offender as an idle and disorderly person, or as a rogue and vagabond, or as an incorrigible rogue, under this Act, shall be in the form or to the effect following, or as near thereto as circumstances will permit; (that is to say),

'} BE it remembered, That on the day of
'to wit.} in the year of our Lord
'at in the county of *A. B.* is convicted
'before me *C. D.* one of his Majesty's justices of the peace in and for
'the said county, of being an idle and disorderly person [*or* a rogue and
'vagabond, *or* an incorrigible rogue] within the intent and meaning of the
'statute made in the fifth year of the reign of his Majesty King *George*
'the Fourth, intituled *An Act* [*here insert the title of this Act*]; that is to
'say, for that the said *A. B.* on the day of
'at in the said county [*here state the offence proved before*
'*the magistrate*], and for which said offence the said *A. B.* is ordered to
'be committed to the house of correction at there to be
'kept to hard labour for the space of [*or* until the next
'general or quarter sessions.] Given under my hand and seal the day,
'year, and at the place first above written.'

Conviction to be transmitted to the Sessions, and a Copy thereof to be Evidence.

And the justice or justices of the peace before whom any such conviction shall take place shall, and he and they is and are hereby required to transmit the said conviction to the next general or quarter sessions of the peace to be holden in and for the county, riding, division, or place wherein such conviction shall have taken place, there to be filed and kept on record; and a copy of the conviction so filed, duly certified by the clerk of the peace, shall and may be read as evidence in any Court of Record, or before any justice or justices of the peace acting under the powers and provisions of this Act.

Justices, &c., to have Treble Costs if Judgment be in their Favour.

XVIII. And be it further enacted, That in all cases where an action shall be brought against any justice of the peace, constable, or other person, for or on account of any matter or thing whatsoever done or commanded by him in the execution of his duty or office under this Act, such justice, constable, or other person, if he shall have judgment in his favour, shall have treble costs awarded to him by the court, unless the judge shall certify that there was a reasonable cause for such action.

Limitation of Actions.

XIX. And be it further enacted, That every such action shall be commenced within three calendar months after the cause of action or complaint shall have arisen, and not afterwards; and if any person or persons shall be sued for any matter or thing which he, she, or they shall have done in the execution of this Act, he, she, or they may plead the general issue, and give the special matter in evidence.

General Issue.

Persons convicted under this Act to be chargeable to the Parish in which they shall reside.

XX. And be it further enacted, That every person who under the provisions of this Act shall have been convicted as an idle and disorderly person, or as a rogue and vagabond, shall be deemed to be actually chargeable to the parish, township, or place in which such person shall reside; and such person shall be liable to be removed to the parish of his or her last legal settlement, by the order of two justices of the peace of the division or place in which such person shall reside.

Persons committing Offences under former Acts to be punished under this Act.

XXI. Provided always, That wherever by any Act or Acts of Parliament now in force it is directed that any person shall be punished as an idle and disorderly person, or as a rogue and vagabond, or as an incorrigible rogue, for any offence specified in such Act or Acts, and not hereinbefore provided for by this Act, in every such case, whether such person shall or shall not have committed any offence against this Act, every such person shall be punished under the provisions, powers, and directions of this Act.

Not to extend to repeal any Act in force in Scotland or Ireland relative to the Removal of Poor, &c.

XXII. Provided also, and be it further enacted, That nothing herein contained shall be construed to extend or apply to *Scotland* or *Ireland*, nor

No. XI. 5 Geo. IV. c. 83.

to alter any law now in force for the removal of poor persons born in *Scotland*, *Ireland*, or the *Isles of Man*, *Jersey*, and *Guernsey*, and becoming chargeable to parishes in *England*, such persons not having committed Acts of vagrancy as herein-before described, nor to alter any law now in force relating to lunatic vagrants.

PART VI.—CLASS XXXIX.

WEIGHTS AND MEASURES.*

* A custom that a pound of butter shall weigh more or less than sixteen ounces is bad; but semble that it may be sold in lumps of eighteen ounces; Noble *v.* Dunell, 3 T. R. 271. Proposals are often made for an uniformity of weights and measures, but the pertinacity with which the existing statutes are disregarded, and with which the inhabitants of different places adhere to the denominations to which they have been accustomed, renders it questionable whether any measure for that purpose would be attended with any very extensive practical effect.

[No. I.] 9 Henry III. (Magna Charta) c. 25.—There shall be but one Measure throughout the Realm.

No. 1. 9 Hen. III. c. 25.

'ONE measure of wine shall be through our realm, and one measure of ale, and one measure of corn, that is to say, the quarter of *London*; and one breadth of dyed cloth, russets, and haberjects, that is to say, two yards within the lists. And it shall be of weights as it is of measures.'

[No. II.] 14 Edward III. st. 1. c. 12.—Bushels and Weights shall be made and sent into every County.

No. II. 14 Edw. III. st. 1. c. 12.

'ITEM, where it is contained in the great charter, that one measure and one weight be throughout *England;* and also it is contained in a statute made in the time of King *Edward*, grandfather to the King that now is, that none shall sell by the bushel, if it be not marked with the King's seal, and that it be according to the King's standard; and also it is contained, that he which shall be attainted for having double measure, that is to say, one greater to buy, and another less to sell, shall be imprisoned as false, and grievously punished; which things have not been holden nor used after the said establishment, to the great grief of the people;' 'it is assented and accorded, That from henceforth one measure and one weight shall be throughout the realm of *England:* and that the treasurer cause to be made certain standards of bushels, gallons, of weights of * auncel, and send the same into every county where such standards be not sent before this time; and thereupon shall be assigned two good and sufficient persons in every county, and more, according as the county in greatness requireth, to survey as well within franchise as without, that the measures and the weights be according to the standard, and that they have power to inquire, hear, and determine, and to punish all those that shall be found thereof guilty; and that the sheriffs at their commandments receive and detain them in prison till they have made fine to the King. And every person that will complain of such as do offend in buying or selling shall be heard, as well for the King, as for himself.'

9 H. 3. st. 1. c. 25.

31 Edw. 1.

* Brass.

II. 'And that the said assignees shall deliver their estreates every year in the morrow of Saint *Michael*, at the Exchequer, and take for their expences the fourth part of that which they may levy, and answer to the King the three parts; and of that which may not be levied before their profer, the fourth part shall be allowed to them at the Exchequer, and the three parts levied to the King's use. And it is not the King's mind, but that the clerk of the market shall do his office where he will, according as he was wont to do in times past; nor the lords of franchises; shall not be ousted of their franchises by the occasion of this ordnance.'

The clerk of the market.

[No. III.] 27 Edward III. st. 2. c. 10.—There shall be but one Weight, Measure, and Yard throughout the Realm.*

No. III. 27 Edw. III. st. 2. c. 10.

ITEM pur ceo que nous avoms entendu, que ascuns marchauntz achatent avoir de pois leynz et autrez marchandises per un pois, et vendent per un autre, et fount auxint deceivables retretes sur le poisir, et auxint usent faux mesures et verges, en graunde disceite de nous et de tut la communalte et dez loialx marchauntz; si voloms et establissoms, qun pois, un mesure, et un verge soit per tut la terre, si bien hors de la estaple come dedeinz, et qe leins et tut maner' de avoir de pois soient poises per balaunces, issint que la lange de la balance soit owel, saunz encliner a lun partie ou a lautre, et saunz mettre main ou pee au autre touch efaire; et que celuy que face al encontre a damage du dit vendour, forface deversn ous la valew de la marchaundize issint poise et mesure et eit la partie que se pleindra le quatreble de ce qil serra endamage, et eit la trespassour lenprisonment dun an, et soit rentc a la volunte nostre seignur le Roi; et sur ceo soient assignez justices denquerer dez tieux trespassours, as toutz lez foitz que mestre serra, et de faire droit auxi bien a nostre sute come a suté dautres que soy verrount pleindre.

The penalty of him which doth not weigh by equal balance

[No. IV.] 31 Edward III. st. 1. c. 2.—No Wool shall be

* Vide 4 T. R. 315.

No. IV. 31 Edw. III. st. 1. c. 2.

bought by Fraud to abate the Price thereof. Weights shall be sent to all Shires.

'ITEM, whereas at the grievous complaint of the commons of the realm of *England*, it was shewed, that the merchants which buy wool in fairs and markets, and other places, by covin and consent betwixt them, do abate the price of wools, and use other weight than is ordained by the statute before this time, in annoyance of the people;' 'it is accorded and established, That proclamation be made through the realm, that no merchant do such covin, upon a grievous forfeiture: And if any do against the same after the proclamation, the King shall assign his justices to enquire at the suit of the party of all that do such covin, and to hear and determine for the King and for the party. And that certain balances and weights of sack, half sack, and quarter, pound, half pound, and quarter, according to the standard of the Exchequer, be sent to all sheriffs of *England*, betwixt this and the nativity of St. *John* next coming, so that they (such balances and weights received) shall make open proclamation through all their counties, that every man that will have such balances and weights, shall come to the sheriff before *Michaelmas*, to make their balances and weights according to the said standard at their costs, without any thing given to the sheriff for to have assay or example of the said balances and weights; and that from henceforth none shall sell nor buy by other weight; and if any do against the same, he shall be punished by fine at the King's will.

[No. V.] 13 Richard II. st. 1. c. 9.—There shall be but one Weight and one Measure throughout the Realm, saving in the County of *Lancaster*. The Weight of Wool, and the Refuse thereof.

No. V. 13 Rich. II. st. 1. c. 9.

'ITEM it is ordained and accorded, That one measure and one weight be through all the realm of *England*, as in the great charter, and other statutes and ordinances thereof made, is more plainly contained. And every one that shall be convict that he hath or useth any other measure or weight shall have imprisonment of half a year, and make recompence to the party grieved to the double of his loss, except it be in the county of *Lancaster*, because in that county it hath always been used to have greater measure than in any other part of the realm. And that none buy or sell wool at more weight than at fourteen pounds the stone, upon the pain to pay the double to him that feeleth him grieved, and to make fine and ransom to the king after the quantity of the trespass. And that no denizen nor foreigner make any other refuse of wools, but cot, gare, and villein. And that no merchant nor other man buy his wools by these words, *good packing*, nor by like words, upon pain, that is to say, the broker to have imprisonment of half a year, and the buyer to make a fine to the King after the quantity of the trespass, and the party that feeleth him grieved, shall have double damages of that which he hath suffered by the said occasion. And that none shall make wools to be cocketed, but in the name of him to whom the wools be, upon pain of forfeiture of the same, as it hath been another time ordained by statute.'

Wool shall be sold 14lb. to the stone.

Refuse of wools.

Wool shall not be bought by good packing;

nor be cocketed but in the owner's name.

[No. VI.] 15 Richard II. c. 4.—There shall be but eight Bushels of Corn striked to the Quarter.

No. VI. 15 Rich. II. c. 4.

'ITEM, whereas it is ordained by divers statutes, that one measure of corn, wine and ale should be throughout the realm, and that eight bushels striked make the quarter of corn; nevertheless, because that no pain is thereupon ordained in the said statutes, divers people of divers

'cities, boroughs, towns, and markets, will not take, neither buy in the 'said cities, boroughs, towns, markets, ne in none other place, but nine 'bushels for the quarter; and if they cannot buy in that manner, they 'arrest it as forfeit, to the great damage and oppression of all the people, 'and manifestly against the statutes aforesaid;' 'it is ordained and assented, That the said statutes shall be firmly kept and holden, as well in the 'city of *London*, as in every other place throughout the realm, and that as 'well by water as by land, notwithstanding any usage in times past to the 'contrary. And that none from henceforth do buy in the city of *London*, 'nor in other place, any manner of corn or malt, but after eight bushels 'for the quarter, according to the purport of the said statutes, upon pain 'of forfeiture of all the corn or malt so bought; saving to the King the 'said forfeiture, except franchises royal, to whom the King at this time of 'his special grace hath granted the same forfeiture of his grace; and 'that as well the mayor and sheriffs of *London*, as the mayors and 'bailiffs of other cities, boroughs, towns, and markets (if they do not 'thereof full and due execution) shall incur like pain, as well at the suit 'of the King, as of the party, or of any other person that will sue for the 'King.'

No. VI.
15 Rich. II. c. 4.

[No. VII.] 8 Henry VI. c. 5.—Every City and Borough shall have a common Balance and Weight. Who may buy Wool and Yarn.

No. VII.
8 Hen. VI. c. 5.

'ITEM, whereas by the great charter of the liberties of the realm of 'England, and by a statute made the twenty-fifth year of King *Edward* 'the Third, it was ordained, and by a statute made in the thirteenth year 'of King *Richard* the Second, confirmed, That one weight and one measure should be through all the realm of *England*, as well out of the staple 'as within; and in the same statute of the said noble King *Edward*, it is 'contained, That the weight called auncel, for the great hurt and subtle 'deceits done by the same measure to the common people, shall be utterly 'left, and set apart, and the wools, and all other manner of merchandises, 'and all other things weighable, bought or sold, shall be weighed by the 'balance, so that the tongue of the balance do not incline more to the one 'part than the other, with weights sealed, and according to the standard 'of the Exchequer; and he that doth contrary, to the damage of the seller, shall forfeit to our lord the King the value of the goods so weighed 'or measured; and that the party complainant shall have his quatrerble 'damages. And by the said statute of the said noble King *Richard*, it was 'added, That the offender shall be imprisoned by two years, and make 'fine and ransom at the will of our lord the King; and that the justices of 'peace should have power to inquire of the said defaults, as well at the 'suit of our lord the King, as the parties;' 'our lord the King, by the 'authority of this Parliament, hath ordained and established, That the 'statutes and ordinances aforesaid shall be firmly kept and holden, and 'straitly executed.'

[No. VIII.] 11 Henry VII. c. 4.—The Names of the Cities and Towns limited for the keeping of Weights and Measures.

No. VIII.
11 Hen. VII. c. 4.
Statutes concerning weights and measures.

'PRAYEN the Commons in this present Parliament assembled, That 'where divers acts, statutes, and ordinances, in the times of the noble 'progenitors and predecessors of our now sovereign lord the King have 'been made, That one measure and weight should be used throughout 'this noble realm; and also, That in every city, borough, and town 'within the said realm, upon certain and several pains in the said statutes

No. VIII. 11 Hen. VII. c. 4.

'and ordinances limited, should be a common balance, with common 'weights, and common measures, marked according to the estandard of 'the Exchequer; by the which, and other like balance, weights and mea- 'sures marked according to the said estandard, all men should buy and 'sell, for the avoiding of all fraud and discord in that behalf to be used; 'which Acts, statutes and ordinances have not been observed and kept, 'as now in this present Parliament it hath been openly by divers persons 'of divers parties of this realm remembered, to the great hurt and vexa- 'tion of divers and many of the King's subjects of this his realm:' For remedy whereof be it of the abundant grace of our most gracious sovereign lord, by the assent of the Lords Spiritual and Temporal, and by the Commons, in this present Parliament assembled, and by authority of the same, enacted and established, That unto the knights and citizens of every shire and city, assembled in this present Parliament, barons of the cinque ports, and certain burgesses of burgh towns, before they depart from this present Parliament, be delivered one of every weight and measure, which now our sovereign lord hath caused to be made of brass, for the commonwealth of all his subjects and lieges within his realm of *England*, according to the King our sovereign lord's standard of his Exchequer of weights and measures, as they be in the Exchequer of our said sovereign lord; and that the said knights, citizens, and burgesses, to whom the said weights and measures shall be delivered, as is aforesaid, surely convey, or cause the same to be conveyed on this side the feast of *Easter* next coming, by the said citizens to their cities, and by the said knights unto such borough, or town corporate, or market town within the shire for which they be elected, as is specified and contained in a schedule unto this present bill annexed, there to remain for ever in the keeping of the mayor, bailiff, or other head officer for the time being, of the same city, borough, or town, as the King's standard of weight and measure. And that the inhabitants of all cities, boroughs, and market towns within every of the said shires, shall on this side of the feast of the nativity of Saint *John Baptist* next coming, make or cause to be made, common measures and weights, according to the weights and measures abovesaid, to remain within the said cities, boroughs, and market towns, and every of them; and the same weights and measures to be viewed, examined, printed, signed, and marked by the mayor, bailiff, or other head officer, in whose possession the aforesaid standard shall remain; and that every of the aforesaid mayor, bailiff, or head officer, having the said weights and measures signed and printed under the sign and print for the same, with a letter *H.* crowned, have authority and power to make, sign, and print like weights and measures unto every of the King's lieges and subjects, duly requiring the same, taking for marking of every bushel 1*d.* And that from the said feast of the nativity of St. *John Baptist*, no merchant ne other person or persons, within any city or market town, buy ne sell with any weight or measure, except it be marked, signed, or printed in manner and form aforesaid, ne any other person or persons out of the said cities, boroughs, and market towns except it be like and equal with the said estandard; and that every person, as well without cities, boroughs, and market towns, as within, buy and sell with a bushel, sealed, signed, or marked after the form aforesaid, and no otherwise. And that all the mayors, bailiffs, and other head officers of every city, borough, or market town, shall cause twice in the year, or oftner, as they shall think necessary, all weights and measures within the said cities, boroughs, and market towns, to be brought afore them, and to be duly viewed and examined; And such as they shall upon the said examination find defective, immediately to be broken and burnt, and the party or parties which in that behalf hath offended, and been found defective, shall forfeit for the first time *vi. s. viii. d.* the forfeiture thereof to be unto the said mayor, bailiff, or any other having jurisdiction and correction in that behalf; and at the second time the said offender likewise to forfeit *xiii. s. iv. d.* and at the third time likewise to forfeit *xx. s.* and for further punishment to be set upon the pillory, to the ensample of other: And that two justices of peace, whereof one shall be of the *quorum*, have authority, as well by examination as by inquiry, to hear and determine the

A weight and measure according to the standard of the Exchequer shall be sent into every city, borough, &c.

Every city, and borough shall make common weights according to them received, and shall mark them.

None shall buy or sell but with weights and measures signed and printed,

which shall be viewed and examined twice in the year at the least.

The penalty of offenders.

Justices of the peace may hear and determine the offences.

No. VIII.
11 Henry VII. c. 4.

defaults of the said mayors, bailiffs, or other head officers in that behalf, and also of all buyers and sellers doing contrary to this present Act and ordnance, and to set fine and amerciament upon the offenders by their discretion; and the said weights and measures, so found defective, to be forfeited and burnt. Be it also enacted, That there be but only *viii.* bushels rased and stricken to the quarter of corn, and *xiv. li.* to the stone of wool, and *xxvi.* stone to the sack. Be it also ordained by authority aforesaid, That the justices of peace abovesaid have authority to make like process against all persons found as is abovesaid defective, and for such fines and amerciaments as upon them shall be assessed, as if they were indicted afore them for breaking of the King's peace. And where by other statutes and ordinances afore limited, it is ordained, That every city, borough, and town that hath a constable, should have common weights and measures sealed, upon penalties in the same limited; that those penalties in that behalf extend not to any town which is no city, burgh or market town. Provided alway, That this Act shall not extend, nor be prejudicial to any person selling or buying by water-measure within the ship-board; and that it be by the authority abovesaid enacted, the premisses or any other ordinance afore made notwithstanding, that the said water-measure within the ship-board shall only contain five pecks, after the said standard rased and stricken. Provided also, That the examination of defaults abovesaid, and punishment to the offenders of every offence committed hereafter within any of the said five ports, shall be had, done, and administered by the lord warden of the said five ports, or by his lieutenant of the same for the time being, and none other, the premisses notwithstanding. Provided also, That this Act of weights and measures extend not, nor be in no wise hurtful or prejudicial to the prince, within the dutchy of *Cornwall*, for any weights appertaining and belonging to the coinage of tin within the counties of *Cornwall* and *Devonshire*, but that all such weights be used, ordered, demeaned, and corrected, as it hath been used and accustomed before this time, the same Act and ordinance notwithstanding.

The measure of a quarter of corn, and the weight of a stone and sack of wool.

Selling and buying by water-measure on ship-board.

The lord warden of the five ports shall punish offences done there.

Weights for coinage of tin in Cornwall and Devon

The Names of Towns limited for the safe Custody of Weights and Measures according to the King's Standard for the Shires following, as particularly appeareth.

Westmorl.	The Town of *Appleby.*
Northumb.	The Town of *Newcastle.*
Cumber.	The City of *Carlisle.*
Lanc.	The Town of *Lancaster.*
Ebor.	The City of *York.*
Lincoln	The City of *Lincoln.*
Derb.	The Town of *Derby.*
Notting.	The Town of *Nottingham.*
Leic.	The Town of *Leicester.*
Warw.	The City of *Coventry.*
Rotyl.	The Town of *Uppingham.*
North.	The Town of *Northampton.*
Bedf.	The Town of *Bedford.*
Buck.	The Town of *Buckingham.*
Cantebr.	The Town of *Cambridge.*
Hunt.	The Town of *Huntingdon.*
Norf.	The City of *Norwich.*
Suff.	The Town of *S. Edmond's-bury.*
Essex	The Town of *Chelmsford.*
Hertf.	The Town of *Hertford.*
Mid.	In *Westminster.*
Kent	The Town of *Maidstone.*
Surr.	The Town of *Guilford.*
Sussex	The Town of *Lewes.*
Oxon	The Town of *Oxenford.*
Berk.	The Town of *Reading.*
Salop	The Town of *Shrewsbury.*

No. VIII. 11 Henry VII. c. 4.

Staff.	The Town of *Stafford.*
Hereford.	The City of *Hereford.*
Glouc.	The Town of *Gloucester.*
Wigorn.	The City of *Worcester.*
Wilts	The City of *New Salisbury.*
South.	The City of *Winchester.*
Somers.	The Town of *Ilchester.*
Dors.	The Town of *Dorchester.*
Devon	The City of *Excester.*
Cornub.	The Town of *Lustudiel.*
London	The same City.
Bristol	The same Town.
Quinque Portus	The Castle of *Dover.*
Civitas Covent.	The same City.
Southampton	The same Town.
Civitas Cestr.	The same Town.

[No. IX.] 12 Henry VII. c. 5.—For Weights and Measures*.

No. IX. 12 Henry VII. c. 5.

The weight of an English penny, of an ounce, a pound, gallon, and a bushel.

'WHEREAS afore this time the King our Sovereign Lord intending the 'common weal of his people, and to avoid the great deceit of weights 'and measures long time used within this his realm, contrary to the 'statute of *Magna Charta*, and of other statutes thereof made by divers 'of his noble progenitors, at his great charge and cost did make weights 'and measures of brass according to old standards thereof remaining 'within his Treasury: And for that, that one weight and one measure 'should be used throughout this his realm, in avoiding of all fraud and 'discord in that behalf, it was at the last Parliament, holden the xiv. 'day of *October* in the xj. year of our said Sovereign Lord's reign, or-'dained, That the said measures and weights should be delivered to the 'knights and citizens of every shire and city assembled in the same Par-'liament, barons of the five ports, and certain burgesses of borough towns, 'surely by them to be conveyed to certain cities, boroughs, and towns 'specified in a Schedule unto the same Act annexed, there to remain for 'ever, to the intent in the same Act more largely declared: which weights 'and measures, upon more diligent examination had sith the making of 'the said statute, been approved defective, and not made according to the 'old laws and statutes thereof ordained within the said realm:' wherefore the King our Sovereign Lord, by the assent of his Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and

The measure of a bushel, a gallon, a pound, an ounce, and a sterling.

by authority of the same, ordaineth, establisheth, and enacteth, That the measure of a bushel contain *viij.* gallons of wheat, and that every gallon contain *viij. li.* of wheat of *Troy* weight, and every pound contain *xij.* ounces of *Troy* weight, and every ounce contain *xx.* sterlings, and every sterling be of the weight of *xxxij.* corns of wheat that grew in the midst of the ear of wheat, according to the old laws of this land. And that it pleaseth the King's highness to make a standard of a bushel and a gallon after the said assize, to remain in his said treasury for ever; and from henceforth the said new bushels and gallons, lately sent forth, be not used nor occupied for no measures, but that they be sent again unto the King's

The weights and measures sent to several cities, &c. by the statute of 11 H. 7, c. 4, being defective, shall be broken and new sent.

receipt by the feast of *Whitsontide* next coming, at the costs and charges of the said cities, boroughs, and towns, having the said bushels and gallons in keeping, upon pain of *x li.* to be forfeited to the King; the same bushels and gallons, so sent again into the King's receipt, to be broken, and with the stuff and metal of the same bushels and gallons, other new bushels and gallons, by the advice of the treasurer and under-treasurer of *England* for the time being, before the feast of *All Saints* next coming, to be made and sized according to the said bushel and gallon, which by this present Act is ordained to be new made, and to remain in the said treasury, at the costs and charges of the same cities, boroughs, and towns. And that every

* Vide 4 T. R. 315.

No. IX. 12 Henry VII. c. 5.

city, borough, and town, within this realm, which now have, or should have had, by reason of the said Act made in the said eleventh year, any of the said new bushels or gallons, do convey and carry, before the feast of St. *Andrew* next coming, into every of the same city, borough, and town, a bushel and a gallon newly to be made, as is aforesaid, at the costs and charges of the same city, borough and town, there to remain; and all other bushels, gallons, and measures, which be to be made after the form by this Act ordained, to be marked and ordered after the form and effect of the said Act made the said eleventh year; and in the mean season to use such bushels and gallons, as have been used last afore the coming down of the said new bushels and gallons, and before the making of the said statute in the said eleventh year; and that all penalties in the first Act expressed be of none effect until the feast of *Candlemas*, which shall be in the year of our Lord God one thousand four hundred and ninety-seven, and after the same feast the same Act made in the same eleventh year to stand in full strength, with its penalties, upon the said bushels and gallons new to be made, as it should have done upon the said new bushels and gallons made afore the making of this present Act, if this Act had not been made. And that it be ordained by the said authority, That after the said new bushels and gallons be made according to this present Act, that all other bushels and gallons of brass, remaining as well in the said treasury, as in all other places of *England*, be, before the feast of *Christmas* next coming, damned and broken, upon pain of *xx li.* to be levied upon every city, borough, and town, or any other place, having the keeping of the common measures, that keep still any other bushel or gallon unbroken and not damned, of brass, than is ordained to be made by this present Act.

All other bushels and gallons shall be broken.

[No. X.] 16 Charles I. c. 19.—An Act for the better ordering and regulating of the Office of Clerk of the Market, allowed and confirmed by this Statute; and for the Reformation of false Weights and Measures.

No. X. 16 Charles I. c. 19.

Grievances by clerks of the market, and inequality in weights and measures.

'FORASMUCH as the undue execution of the office of clerk of the market hath been very grievous unto divers of his Majesty's most loving subjects, who have been much troubled by unnecessary summons, and charged with exactions of divers sums of money, by colour of the said office, and in regard the said evils have partly arisen by means of an inequality of weights and measures throughout this kingdom, and by granting and letting to farm the said office of clerk of the market and the execution thereof, in and through all or the most of the several counties of this kingdom, for great sums of money, which the said farmers or grantees, by their unjust and undue proceedings in the said office, do extort from his Majesty's subjects again, to their great impoverishment, and yet little or no redress at all in their said weights and measures, or any benefit thereby accruing to his Majesty: For remedy whereof, and for regulating of all weights and measures according to the true intent of this statute, and the other statutes in that behalf formerly made and provided, and preventing the said inconveniences:'

There shall be but one measure, one weight, and one yard.

9 H. 3. st. 1. c. 25.
14 Ed. 3. st. 1. c. 12.
27 Ed. 3. st 2. c. 10.

II. Be it therefore enacted by the King's most excellent Majesty, the Lords and Commons of this present Parliament assembled, and by the authority of the same, That from henceforth there shall be but one weight, one measure, one yard, according to the standard of the Exchequer, throughout all the realm, as well in places privileged as without; any usage or custom to the contrary notwithstanding: And that every measure of corn shall be striked without heap: And whosoever shall sell, buy, or keep, any other weight, measure, or yard, than as aforesaid, whereby any corn, grain, or other thing is bought or sold, after six months after the end of this present session of Parliament, shall forfeit for every such offence five shillings; being thereof lawfully convicted by the oath of one sufficient witness, before any justice of the peace, mayor, or other head officer of the county, city, or town corporate, respectively where the said offence shall be committed, who by virtue of this Act shall have power to

Forfeiture.

No. X. 16 Charles I. c. 19.

administer an oath in that behalf; which said sum or penalty of five shillings shall be levied by the churchwardens and overseers of the poor of the parish, or some one of them, where such offence is or shall be committed, to the use of the poor of the same parish, of the goods and chattels of such offenders, by way of distress and sale of the offender's goods, rendering the overplus to the party so offending: And in default of such distress, it shall be lawful for any justices of peace, mayor, or other head officer of the county, city, or town corporate respectively, to commit the said party to the prison or gaol, there to remain without bail or mainprize, until he shall pay such sums of money forfeited as aforesaid.

How to be levied.

Clerk of the market, his limits.

III. And be it further enacted by the authority aforesaid, That no clerk of the market of the King's house, which now is or hereafter shall be, or of the Prince his highness, his heirs or successors, which is or shall be Duke of *Cornwall*, or his or their deputy or deputies, shall hereafter execute his or their said office or offices respectively in any part of the kingdom, but only within the verge of the King's court where it shall then reside for the time being: And that it shall be always hereafter lawful for any mayor, or other head officer of any city, borough, or town corporate, or for any lord or lords of liberty, liberties or franchises, his or their deputy or deputies, or agents, according to their several liberties and jurisdictions, to have full power to execute the said offices respectively, as they ought or might have done before the making of this Act, and for the more ease of his Majesty's subjects.

Mayor, head officer and lords of liberties have power as clerks of the market.

Forfeiture of clerks of the market for offences.

IV. Be it further enacted, That if any clerk of the market within his aforesaid precincts and limits of the verge of the King's house only, or any mayor or other officer whatsoever, who by virtue of this Act shall have power to enquire of any abuses in weights and measures, shall seal or give allowance unto any other weight or measure, weights or measures, other than according to the said standard of the Exchequer, or shall upon reasonable request and warning, refuse to seal or give allowance unto such weight or measure, weights or measures, as are according to the said standard of the Exchequer, paying only such fee or fees for such allowance, as by the statute or statutes, or by ancient custom, are in that behalf formerly provided and allowed, and no more, that then the said clerk of the market, mayor and other officer or officers of such city, borough, or town, and the said lord and lords of liberty or liberties, and his and their deputy and deputies and agents respectively, shall forfeit for every such offence five pounds, to be levied as aforesaid to the use of the poor of the parish where such offence is or shall be committed.

Forfeiture for taking unlawful fines or fees.

V. And be it further enacted by the authority aforesaid, That if the clerk of the market, his deputy or deputies, or agents within the verge aforesaid, or any mayor, or any other officer or officers of any city or town, or any lord or lords of liberties, his or their deputy or deputies, agent or assigns respectively, shall take or receive of any of his Majesty's subjects, by colour of the said office, any common fine or fines, or any fees, other than are formerly allowed by the statute or statutes, or ancient custom in that behalf made or used; shall take any fee or fees, or other sum of money, reward or consideration, for the making, signing, or examination of any weights or measures which have been formerly marked or sealed; or shall impose or assess, or cause to be imposed or assessed, any fine or amerciament, fines or amerciaments, without a due and legal trial of the offences for which the said fine or fines, amerciament or amerciaments, are imposed or assessed; or shall otherwise misdemean himself in the execution of his said office, and be thereof lawfully convicted, he shall forfeit for the first offence whereof he shall be so lawfully convicted, five pounds; and for the second offence, ten pounds; and for the third offence, and every other offence afterwards, twenty pounds; to be levied as aforesaid to the use of the poor of the parish where such offence shall be committed.

VI. And be it enacted, That whosoever shall be fined or amerced by virtue of this Act, shall not be again fined or amerced for the same offence by virtue of any former law or statute.

Persons fined by this Act not to be fined upon any former law.

VII. Provided always, That this Act or statute shall not extend to the rents of farms or lands, or any corn or grain due or payable to any lord or

No. X.
16 Charles I. c. 19.

lords, or any colleges, houses, or other societies, by virtue of any lease or leases, or other covenant or agreement, but that the same, during the continuation of such lease, leases, or other agreements, shall be paid, delivered and performed, in such measure and form as the same hath been paid, delivered and performed before the making of this Act: And that such measure, that is commonly called *Water Measure*, in any ports, maritime towns, or other places, shall be still used and continued as formerly the same hath been; any thing in this statute contained to the contrary hereof in any wise notwithstanding.

Water measures to be continued.

VIII. Provided always, That no justice or justices of the peace, mayor, bailiff, or other head officer, churchwardens, overseers, or any other authorised by this statute for the due execution thereof in any point, shall be sued, impleaded, or otherwise impeached for doing or executing their said offices respectively: And if any suit or suits hereafter shall be commenced against them or any of them, their agents or assistants, touching the premises; that then it shall and may be lawful for them and every of them so sued or troubled in any court or courts whatsoever, to plead the general issue, *not guilty*, and to give this statute in evidence, or any other special matter in evidence.

Repealed as to corn and salt, by 22 Car. 2. c. 8. sec. 2.

The general issue may be pleaded.

IX. And in case by or upon this law they or any of them shall be found not guilty, or the plaintiff be nonsuited, the defendant or defendants shall recover treble costs against the plaintiff for his unjust vexation.

Treble costs for unjust vexation.

[No. XI.] 22 Charles II. c. 8.—An Act for ascertaining the Measures of Corn and Salt.*

No. XI.
22 Charles II. c. 8.

'WHEREAS there is a great variety of bushels and other measures of different contents and gages used in the several counties, cities, 'boroughs, ports and other places of this realm, for the measuring buying 'and selling of all sorts of grain, salt, and other commodities usually 'bought and sold by the bushel, to the great defrauding and oppressing of 'the people, contrary to the great charter, and sundry of the good laws 'formerly made and enacted, That there shall be but one measure to be 'used throughout all the realm:'

II. For future redress whereof, Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by authority of the same, That this ensuing clause contained in a statute made in the seventeenth year of King *Charles* the First, intituled, *An Act for the better ordering and regulating of the Office of Clerk of the Market, allowed and confirmed by this Statute, and for the Reformation of false Weights and Measures*, (by way of proviso, *viz.*) That such measure as is commonly called water measure in any ports, maritime towns, or other places, shall be still used and continued as formerly the same hath been (any thing in this statute contained to the contrary hereof in anywise notwithstanding) shall from and after the nine and twentieth day of *September* one thousand six hundred and seventy, be and stand nulled and repealed, as to the measuring, selling, or buying of any sort of corn or grain ground, or unground, or salt, within the kingdom of *England*, dominion of *Wales*, or town of *Berwick-upon-Tweed:* And that if any person or persons after the time aforesaid shall sell any sort of corn or grain, ground or unground, or any kind of salt, usually sold by the bushel, either in open market, or any other place, by any other bushel or measure, than that which is agreeable to the standard, marked in his Majesty's Exchequer, commonly called the *Winchester* measure, containing eight gallons to the bushel, and no more or less, and the said bushel strucken even by the wood or brim of the same by the seller, and sealed as this Act directs,

16 Car. 1. c. 19. A clause therein repealed.

Winchester measure only to be used.

* A reservation of a corn rent to a hospital of —— quarters, must be construed according to *Winchester* measure, although similar laws had been made before this statute, and continually since, and payment made thereon, according to a larger measure; the master, &c. of St. Cross *v.* Lord Howard de Walden, 6 T. R. 338.

No. XI.
22 Charles II. c. 8.

he or they shall forfeit for every such offence the sum of forty shillings; to be levied in such manner, and such other penalties for want of distress to be inflicted, as in and by the said former Act is directed by the warrant or order of any one or more of his Majesty's justices of the peace within the county, city, or place, where such offence shall be committed; which said justices respectively are hereby required and enabled to see this statute duly executed.

Forfeiture for offending against this Act.

III. And be it likewise further enacted by authority aforesaid, That if any mayor or other head officer of any city, borough or corporation or liberty within this kingdom of *England*, dominion of *Wales*, or town of *Berwick-upon-Tweed*, shall knowingly and wilfully permit or suffer any person or persons within their respective limits or jurisdictions, to sell or buy any sort of corn or grain, ground or unground, or salt, by any other bushel or measure, or strucken in any other manner than is hereby prescribed; or shall suffer within their respective limits or jurisdictions any other measure to be used, than is of the contents aforesaid, and sealed as this Act directs; or if upon complaint of the breach of this statute, he or they shall not duly punish and reform the same according to the purport thereof; then he or they so offending, for every such offence upon due proof and conviction thereof by presentment or indictment before the justices of the peace of the county where such offence shall be committed, at the general sessions of the peace held for the same, shall forfeit the sum of five pounds; the one moiety thereof to the informer or prosecutor, the other moiety to the use of the poor of the parish where such offence shall be committed, to be levied by distress and sale of the offender's goods and chattels, and for default of such distress, by imprisonment of the person or persons so offending, till payment thereof made, by warrant of the said justices.

The penalty of mayors and all other officers permitting the use of any other measure.

Clerk of the market, &c. refusing to seal or mark any measure, his forfeiture.

Exacting fees, how punished.

IV. And be it further enacted, That if the clerk of the market of his majesty's house within the verge, or the mayor, or other head officer, lord of the liberty, or other person authorized by the laws of the realm, to mark or seal measures within their respective jurisdictions, shall neglect or refuse, being required, to seal or mark any bushel, half bushel, or peck, duly gaged, as is hereby before directed and appointed, shall forfeit, for the first offence, five pounds, and for every other offence, ten pounds, to be levied as aforesaid; or if the clerk of the market of his majesty's house within the verge, shall take more than the lawful and accustomed fees; or if any other person or persons shall exact or take from any person more than one penny for the sealing and marking of a bushel, or more than one halfpenny for the sealing or marking of a half bushel or peck, or more than one farthing for the sealing or marking of any measure containing one gallon, pottle, quart, pint, or half pint; he or they shall, for every such offence, upon due proof and conviction thereof, incur the penalties mentioned and contained in the aforenamed statute for the said offence, made in the seventeenth year of King *Charles* the First.

16 Car. 1. c. 19.

A measure of brass to be chained in every public market-place.

V. And to the end that there may be a just and certain measure, to (determine all controversies) gaged as this Act directs, be it further enacted, That at the charge of such person or persons respectively, who shall have the toll or profit of the market, where toll is not taken within any city, corporation, or market town, within this realm in their respective jurisdictions, there shall be, before the said nine and twentieth day of *September*, one measure of brass provided, and chained in the publick market-place; upon pain to forfeit and lose for every person so neglecting respectively the sum of five pounds, to be recovered and levied as is by this Act directed; one moiety to the poor of the parish where such offence shall be committed; the other moiety to him or them that shall sue for the same.

Constables to search if any persons use other measures.

VI. And be it further enacted by the authority aforesaid, That all and every constable or constables within this realm of *England*, in their respective precincts, are hereby empowered and required to search and examine if any person or persons use any other measure than according to the proportions aforesaid, or shall strike the same in any other manner than this Act directs, or sell or buy by a measure unsealed: And in case he or they shall find any such unsealed measure, to seize and break the same; and for that and every other offence against this Act, shall present such offender

at the next private or quarterly sessions to be held for such county or place where such offence shall be committed.

No. XI. 22 Charles II. c. 8.

VII. Provided always, and be it enacted, That no person or persons punished for any offence by virtue of this Act, shall be again questioned or punished for the same offence, by virtue or colour of any other Act.

Once punished.

VIII. Provided always, and be it further enacted and declared, That no person or persons whatsoever shall take any toll, or any thing in lieu thereof, but respectively according to such proportion as the measures in this Act limited and appointed bear unto the measures whereby the same have been heretofore usually taken; any law, custom or usage to the contrary notwithstanding.

Toll.

[No. XII.] 22 and 23 Charles II. c. 12.—An additional Act for ascertaining the Measures of Corn and Salt.

No. XII. 22 and 23 Charles II. c. 12.

'WHEREAS notwithstanding there hath been great care taken in a late 'Act, intituled, *An Act for the ascertaining the Measures of Corn and* 'Salt throughout the Realm, yet the same is in a great measure avoided, 'by selling in private places, as well as in publick markets, by the bag, or 'without measuring, by the buyers shaking of the bushel before it be struck, 'so that those places who have given obedience to the said Act are greatly 'prejudiced, and their markets likely to be lost by such undue practices;'

22 Car. 2. c. 8.

II. For prevention whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by authority of the same, That every person or persons, who shall from and after the five and twentieth day of *March* next sell or buy any corn ground or unground, or salt, by the bag, or without measuring, being thereunto required, or in any other manner than as is by the said Act directed, and that without shaking the said bushel or measure by the buyer (1), shall forfeit and lose, beside the penalty of the former Act appointed (2), all corn, grain, or salt, bought or sold contrary to this Act or the value thereof, to the person or persons complaining.

No corn or salt shall be bought by the bag without measuring.

III. 'And whereas a great cause of the mischief hereby intended to be 'prevented, doth arise by the selling in private places, and so avoiding, not 'only the intention of the said Act, but to the great damage of publick 'markets;' Be it further enacted, That upon complaint made to any one or more justices of the peace, that any kind of corn ground or unground, or salt, hath been sold, or bought, or delivered, contrary to this Act, the proof shall lie upon the defendant, to make it appear by the oaths of one or more credible witnesses, that he or they did sell or buy the same in every respect according to this and the said former Act, wherein if such person complained of shall fail, he or they shall forfeit and lose as is by this Act before directed, to be levied by distress and sale of his or their goods or chattels, restoring the overplus, by warrant under the hand and seal of one or more justices, before whom he or they shall be so convicted: Which penalties by this Act appointed to be levied, shall by the said justice or justices be distributed, one half to the poor of the parish where such offence was committed, and the other half to the informer or prosecutor.

The proof to lie upon the defendant when he bought the corn.

Forfeiture.

How to be disposed of.

(1) In R. v. Major, 4 T. R. 750, a conviction was sustained for buying by a customary measure, different from that of the statute.—Per Lord Kenyon:—"These acts are expressed in the most positive terms, and it was admitted that there was no subsequent law which directly repealed them. But several other statutes were referred to, directing returns of the average price of corn, and noticing in these returns a customary measure. These, it was argued, obliquely, though not directly, repealed the statutes of Charles II. We have considered the matter very fully, and are of opinion, that the argument does not lead to that conclusion. We cannot get rid of those positive laws by a reference to subsequent statutes, which were passed for another purpose, and which leave the former ones still in force."

(2) The buyer is liable to the penalty of 40*s.*, imposed by 22 Ch. II. c. 8. as well as to the forfeiture of the corn, or the value. The conviction may conclude against the statute in the singular number, the whole penalty being imposed on the buyer by this Act. An objection as to not setting out the quantity with sufficient certainty over-ruled; R. v. Arnold, 5 T. R. 353.

No. XII. 22 and 23 Charles II. c. 12.

IV. 'And whereas in all places where markets are holden, there is not a 'clerk of the market to seal all measures as by the former Act is directed:' Be it therefore further enacted, That in every such case it shall and may be lawful for the mayor, bailiffs or head officer, or other person or persons who hath the benefit of such market, and they and every of them are hereby authorized and required, to seal or cause to be sealed all measures duly gauged, that shall be brought unto them for that purpose; which sealing shall be as effectual in the law to all intents and purposes, as if such measure had been sealed by any clerk of the market, every such mayor, bailiff or head officer, taking no more for so doing than is by the said Act appointed.

Where there is no clerk of the market, then what persons are appointed to seal the measures.

V. Provided always, and be it further enacted by the authority aforesaid, That it shall and may be lawful for every person or persons, bodies politic or corporate, or any of them, to whom any salt, rent-corn or tithe-corn is reserved or due by any lease, grant, contract, custom or usage, to receive and take all such rent or other duties of salt and corn as is or shall be so reserved or due, or the just and full value thereof in ready money, according to the proportion and quantity, and by the like measures, and in such manner, as the same were due and paid before the beginning of this parliament; anything herein or in any other law or statute to the contrary in anywise notwithstanding.

This Act shall not extend to rent-corn or tithe-corn.

[No. XIII.] 11 and 12 William III. c. 15.—An Act for the ascertaining the Measures for retailing Ale and Beer.

No. XIII. 11 and 12 William III. c. 15.

'WHEREAS by the laws and statutes of this realm all inn-keepers, ale-house-keepers, and victuallers, ought to utter and sell their ale and 'beer by the ale quart, according to the standard thereof, remaining in the 'custody of the chamberlains of his Majesty's exchequer; the neglecting 'the observance whereof, and selling and retailing their ale and beer in un-'certain measures, much less than the said standard, is found to be of evil 'consequence in hindring the consumption of malted corn, and lessening 'his Majesty's revenues of excise, and a great wrong and prejudice to way-'faring men, travellers, manufacturers, labourers and others, and also to 'such poor people whose necessities force them to buy ale and beer from 'them:' For remedying whereof, May it please your most gracious Majesty, That it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by authority of the same, That from and after the four and twentieth day of *June* one thousand seven hundred, all inn-keepers, alehouse-keepers, sutlers, victuallers, and other retailers of ale or beer, and every person and persons keeping any public-house, and retailing and selling ale or beer in any city, town-corporate, borough, market-town, village, hamlet, parish, part, or place whatsoever, within the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, shall retail, utter, and sell their ale and beer, in and from their respective houses, by a full ale quart, or ale pint, according to the said standard, or in proportion thereunto, in a vessel made of wood, earth, glass, horn, leather, pewter, or of some other good and wholesome metal, made, sized, and equalled unto the said standard, and signed, stamped, or marked to be of the content of the said ale quart or ale pint, according to the said standard, either from the said exchequer, or from the city of *London*, or from some city, town-corporate, borough, or market town, where a standard ale quart or ale pint, made from the said standard, shall be kept for that purpose, and shall not retail and utter any ale or beer to any person or persons in any other vessel not signed and marked as aforesaid, on pain to forfeit a sum not exceeding forty shillings, nor less than ten shillings, for every such offence, to be recovered as hereinafter is provided.

All retailers of ale and beer to sell the same by standard measure,

in vessels of wood, earth, &c. marked according to the standard.

II. And be it further enacted by the authority aforesaid, That if any inn-keeper, alehouse-keeper, victualler, sutler, or other retailer aforesaid, shall from and after the nine and twentieth day of *September* one thousand

Penalty on retailer selling ale or beer in

seven hundred, retail, utter, or sell any ale or beer in any vessel not signed, stamped or marked as aforesaid, to any traveller, or other person or persons, or if in giving any account or reckoning in writing or otherwise, such inn-keeper, alehouse-keeper, or other retailer as aforesaid, shall refuse or deny to give in the particular number of quarts or pints of ale or beer, for which demand is made in such account, it shall not be lawful for any such inn-keeper, alehouse-keeper, or other retailer as aforesaid, for default of payment of such reckoning, to detain any goods, or other thing or things belonging to the person or persons from whom such reckoning shall be due, but shall be left to his action at law for the same; any custom or usage to the contrary in anywise notwithstanding.

vessels not marked.

III. And for the better execution of this Act, and to the intent that vessels containing the said ale quart and ale pint respectively, may be from time to time sized and equalled according to the said standard, and signed, stamped and marked as aforesaid, by the mayor or other chief officer of each city, town-corporate, borough, and market town in *England*, *Wales*, and town of *Berwick* upon *Tweed*, for all inn-keepers, alehouse-keepers, victuallers, and other retailers as aforesaid, procuring and desiring the same: Be it further enacted by the authority aforesaid, That the sub-commissioners or collectors of his Majesty's revenues of excise, within their respective circuits or divisions, shall forthwith provide and procure a substantial ale quart and ale pint, according to the standard of the measures aforesaid remaining in the said exchequer, of brass, to be made, sealed and certified from the said chamberlains of the said exchequer, without any fee or reward, for the mayor or chief officer in each city, town-corporate, borough, and market town within his said division, in which there is not already a brass standard ale quart and ale pint, made and certified either from the said exchequer, or from the lord mayor of the city of *London*, in the custody or power of such mayor or chief officer, and shall, on or before the said four and twentieth day of *June*, cause the same to be delivered unto the mayor or other chief officer in every city, town-corporate, borough, and market town within his said division (which chief officer is hereby required to give a receipt for the same; and the said standard measures shall be delivered to every succeeding officer,) in which there is not already such brass standard ale quart and ale pint as aforesaid, to be by them respectively safely kept for the purposes aforesaid; on pain that each sub-commissioner or collector, for every default herein, shall forfeit the sum of five pounds, to be recovered as aforesaid.

Collectors of the excise to provide ale quarts, and ale pints of brass standard measure, for the mayor, &c. of each city, &c. in their division, where no such is already, &c.

Penalty on collector making default.

IV. And it is hereby further enacted and declared by the authority aforesaid, That it shall and may be lawful to and for the said sub-commissioners or collectors of excise respectively, to deduct and detain their respective reasonable charges and expences in the procuring, providing and delivering of such brass ale quarts and ale pints to each mayor or other chief officer within his said division as aforesaid, and to insert the same in his next account to be made or given to the commissioners of his Majesty's revenues of excise, who are hereby authorized and directed to allow of the same accordingly.

Collector to charge the said measures in his accounts, and be allowed the same.

V. And be it further enacted by the authority aforesaid, That every mayor or chief officer of each city, town-corporate, borough or market town for the time being, from and after the said four and twentieth day of *June*, shall from time to time, on request to him or them respectively made, cause or procure all such ale quarts and ale pints made of wood, earth, glass, horn, leather, pewter, or other good and wholesome metal, as shall be brought to him or them respectively, to be measured, compared, sized and equalled with such standard ale quart and ale pint in their custodies; and shall then cause the same, and every of them, to be plainly and apparently signed, stamped, and marked with W. R. and a crown, testifying that such ale quarts and ale pints respectively have been so measured, compared, sized, and equalled with such their standard as aforesaid; which stamps or marks the said mayor or chief officer are hereby respectively required to provide, and for which their stamping or marking they shall not demand or receive above one farthing for each measure; and in case any such mayor, or other chief officer, as aforesaid, shall neglect or refuse to perform

Mayor, &c. to cause all measures sized with such standard, to be marked,

and provide stamps. One farthing a measure to be paid for stamping.

Penalty on mayor, &c.

No. XIII. 11 and 12 William III. c. 15.

and execute his duty herein, according to the true intent and meaning of this Act, he shall forfeit the sum of five pounds, to be recovered as aforesaid, and shall also render to the party thereby grieved his treble damages, together with costs of suit, to be sued for and recovered in any of his Majesty's Courts of Record, in which suit there shall be no protection, wager of law, or other delay, other than one imparlance.

'The university privileges are provided for by 12 & 13 W. 3. c. 11. § 19.'

How forfeitures shall be divided.

VI. And be it further enacted by the authority aforesaid, That all penalties and forfeitures by this Act imposed or inflicted shall be divided, one half part thereof to the use of the poor of the parish where such forfeiture shall be made or committed, and the other part to him or them that shall prosecute or sue for the same, to be recovered by the oath of one or more credible witness, made before one or more justice or justices of the peace of the county, city, or place where such offence shall be committed, who are hereby required and impowered to administer an oath to that purpose, such person being prosecuted for such offence within thirty days next after such offence committed; and the said justice or justices are hereby respectively authorized to hear and determine the same, and to cause the penalty to be levied (by warrant under his or their hands and seals) upon the goods and chattels of the offender, rendering to the party the overplus, if any shall be, deducting thereout the reasonable charges.

Act not to subject retailers to penalty for drink sold out of their houses, so it be measured by the standard.

VII. Provided always, and be it further enacted by the authority aforesaid, That nothing in this Act contained shall extend or be construed to extend to subject any person or persons to the penalties in this Act contained, or any of them, so as all such beer or ale as shall be retailed, uttered, or sold by such person or persons, to be sent out of the house of such person or persons, be measured out by the standard, according to the true intent and meaning of this Act, although such drink be carried away in any other vessel, or of any other quantity or quality than the ale quart before mentioned.

Action to be laid in the proper county.

VIII. Provided always, and be it further enacted by the authority aforesaid, That if any action or suit shall be brought and prosecuted by any person or persons against any justice of the peace, or other person or persons employed by them, or any of them in the execution of this Act, for any matter, clause, or thing by them, or either of them done, committed, or executed, by virtue or reason of this Act, or any clause or article therein contained, that then, and in every such case, the action shall be laid in the proper county, where the fact was done and committed, and not elsewhere; and the defendant or defendants may plead the general issue, and give this Act and the special matter in evidence at the trial, that the same was done in pursuance and by authority of this Act; and if upon such action or actions a verdict be given for the defendant or defendants, or the plaintiff become nonsuit, or discontinue his action, then the defendant or defendants shall have treble costs, which he or they shall sustain, or be put unto, by reason of his or their wrongful vexation in defence of the said action or suit.

General issue.

Treble costs.

Justices at the Sessions to give this Act in charge.

IX. And be it further enacted by the authority aforesaid, That the justices of the peace within the several counties and cities of this kingdom are hereby required, at their respective general quarter-sessions, to give the matters contained in this Act in charge to the grand juries of the respective counties and cities within this kingdom.

Act not to extend to colleges, &c.

X. Provided, and it is hereby declared and enacted, That nothing in this Act contained shall extend or be construed to extend to any colleges or halls in either of the universities of this kingdom; any thing in this Act contained to the contrary in anywise notwithstanding.

[No. XIV.] 1 Anne, st. 1. c. 15.—An Act to ascertain the Water Measure of Fruit.

[No. XV.] 35 George III. c. 102.—An Act for the more

No. XV. 35 Geo. III. c. 102.

effectual Prevention of the Use of defective Weights, and of false and unequal Balances.—[22d *June*, 1795.]

'WHEREAS by an Act made and passed in the sixteenth year of the reign of King *Charles* the First, it was, among other things, enacted, 'That from thenceforth there should be but one weight, according to the 'standard of the Exchequer, throughout all the realm, as well in places 'privileged as without, any usage or custom to the contrary notwithstanding. And whereas the said recited Act, and the several other laws now 'in force for the due regulation of weights, have been found ineffectual for 'that purpose; and divers frauds are committed by persons using deficient 'weights, and false or unequal balances; by which the poor in particular 'are much injured: And whereas it would tend greatly to prevent such 'pernicious and fraudulent practices, if the justices of the peace throughout the several counties of *England* and *Wales*, at their respective quarter sessions, were impowered to appoint proper persons to examine the 'weights and balances throughout the said counties, and to punish such persons as should be found offending in the premises;' Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That, from and after the passing of this Act, it shall and may be lawful to and for the justices, at every quarter sessions of the peace to be held for any county, riding, liberty, or division, in *England* or *Wales*, and they are hereby required to appoint one or more person or persons to examine the weights and balances within their respective counties, ridings, liberties, and divisions, such person or persons so to be appointed to be the high constable of a hundred, who shall have the power of examining within his hundred, or the constable and parish officers of a parish, who shall have the like power within his and their parish, or such other fit and proper person or persons as the said justices shall in their discretion think fit, who shall have a power of examining within such district as such justices shall appoint.

Quarter sessions to appoint persons to examine weights and balances.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the person and persons so to be appointed as aforesaid, and they are hereby required (having first been sworn duly and faithfully to execute the office in him or them reposed, by virtue of such appointment, and of this Act, which oath the said justices are hereby authorized and empowered to administer), once in every month at the least, in the day-time, to enter into the shop, house, outhouses, and other premises near to such shop or house, and into the stall or standing place of every person or persons who shall sell or retail by weight any wares, provisions, goods or chattels whatsoever, and then and there to search for, view, and examine, all weights and balances in such shop, house, outhouses, premises, stall, or standing place, and to seize any weight or weights not being according to the standard in the Exchequer, or any false or unequal balance or balances, which shall upon such search be found, and forthwith to break and destroy the same; and the person or persons in whose shop, house, outhouses, premises, stall, or standing place, any such weight or weights, balance or balances, shall be found, shall, upon conviction thereof before one of his Majesty's justices of the peace for the county, riding, division, or place where the said offence shall be committed, upon view or confession, or upon the oath of one or more credible witness or witnesses, forfeit and pay such sum of money, not exceeding twenty shillings nor less than five shillings, as the justice before whom such person or persons shall be convicted, shall in his discretion order and adjudge, such forfeiture to be levied by warrant under the hand and seal of the said justice, by distress and sale of the goods and chattels of the person or persons so offending, and to be paid to the treasurer of the county, riding, or division, where the said offence shall be committed, to be by him applied towards the expences of carrying this Act into execution, and the residue (if any) in aid of the general county rate.

Persons so appointed, to visit shops, &c. and seize false weights, &c.

Penalty for having false weights, &c.

III. And be it further enacted, That if any person shall wilfully obstruct,

Penalty for obstructing inspectors, or refusing to produce weights, &c.

No. XV. 35 Geo. III. c. 102.

hinder, resist, or in anywise oppose, any of the persons hereby authorized and empowered to view and examine such weights and balances in the execution of his office, or if any person selling or retailing by weight shall refuse to produce his or her weights and balances in order to be viewed and examined, he or she who shall so offend, shall, for every such offence, on being duly convicted on oath before any one or more justices of the peace, forfeit and pay any sum not exceeding forty shillings, nor less than five shillings, as the justice or justices before whom any such offender shall be convicted shall adjudge; and such forfeiture or penalty shall be levied and applied as herein-before directed.

Quarter-sessions to allow a recompence to the inspectors out of the county rate.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the justices at their said quarter sessions, to allow to such person or persons, who shall be appointed to examine weights and balances under this Act, a reasonable recompence or satisfaction for their trouble in the execution of the said office, such recompence or satisfaction to be paid to such person or persons out of the general county rate.

Persons punished under this Act not to suffer by any other.

V. Provided always, and be it further enacted, That any person or persons convicted of an offence under this Act, and who shall suffer for the same under this Act, shall not be otherwise punished for such offence by virtue of any other law or statute of this realm.

Act not to lessen the authority of persons appointed at court leets.

VI. Provided also, and be it further enacted, That this Act, or any thing herein contained, shall not extend, or be construed to extend, to lessen or prevent the authority which any person or persons, bodies politic or corporate, or any person appointed at any court leet for any hundred or manor, may have or possess for the examining, regulating, seizing, breaking, or destroying, any weights or balances within their respective jurisdictions, but that he, she, and they, shall and may have and possess the same power and authority therein as if this Act had not been made.

Justices to cause standard weights to be purchased out of the county rate, which shall be produced to persons paying the costs of production.

VII. And, for the more effectually carrying this Act into execution, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said justices, and they are hereby empowered and required, as soon after the passing of this Act as may be convenient, to purchase, or cause to be purchased, for the use of their respective counties, ridings, or divisions, out of the general county rate, proper weights, according to the standard in the Exchequer; which shall be deposited for the inspection of all persons, either with the respective clerks of the peace, or with some proper person, in such safe and convenient place or places, within their respective counties, ridings, or divisions, as the said justices shall direct; and shall be produced by the person or persons in whose custody the same shall be lodged (upon reasonable notice) at such time and place as any person or persons shall, by writing under their respective hands, require and appoint; the person or persons so requiring the production of the said weights paying the reasonable costs and charges of producing the same.

No person to be prosecuted, unless information be given within a month.

VIII. Provided also, and be it further enacted, That no person or persons shall be prosecuted for any offence against this Act, unless information thereof upon oath shall have been given to some justice of the peace within one month after the offence committed.

Public Act.

IX. And be it further enacted, That this Act shall be deemed and taken to be a public Act; and be judicially taken notice of as such, by all judges, justices, or other persons, without the same being specially pleaded or set forth.

No. XVI. 37 Geo. III. c. 143.

[No. XVI.] 37 George III. c. 143.—An Act to explain and amend an Act made in the thirty-fifth Year of the Reign of his present Majesty, intituled, *An Act for the more effectual Prevention of the use of defective Weights, and of false and unequal Balances.*—[20*th July* 1797.]

35 G. 3. c. 102. recited.

'WHEREAS by an Act, passed in the thirty-fifth year of the reign of his present Majesty, intituled, *An Act for the more effectual Preven-*

No. XVI.
37 Geo. III.
c. 143.

'*tion of the Use of defective Weights, and of false and unequal balances*, it 'was, among other things, enacted, That it should and might be lawful for 'the justices, at every quarter sessions of the peace for any county, riding, 'liberty, or division, in *England* or *Wales*, to appoint certain persons to 'examine the weights and balances within their respective districts, and 'that the persons so appointed should, once in every month at the least, 'examine such weights and balances; and the persons in whose possession 'any false weights or balances shall be found, were subjected to a penalty, 'not exceeding twenty shillings, nor less than five shillings, to be paid to 'the treasurer of the county, riding, or division, and be applied by him 'for the purposes therein particularly described: And whereas the said Act 'might be more conveniently executed, if some of the powers thereof were 'vested in the justices of the peace at their several and respective petty 'sessions; and it is expedient that certain other alterations should be made 'in the said Act;' May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That, from and after the tenth day of *July* one thousand seven hundred and ninety-seven, so much of the said recited Act as requires the justices, at the quarter sessions of the peace, to appoint persons to examine the weights and balances within their respective counties, ridings, liberties, and divisions, and which authorizes the persons so appointed to search for and examine all weights and balances, and to seize and destroy false or unequal weights or balances, and imposes a penalty on the persons in whose possession the same shall be found, shall be and is hereby repealed; and that it shall and may be lawful to and for the justices of the peace, at their respective petty sessions, within the divisions, districts, and other places of the several counties in *England* and *Wales*, to appoint one or more person or persons, who shall have power to examine the weights and balances, within such divisions, districts, and other places repectively (1).

So much of recited Act as requires the justices at quarter sessions to appoint persons to examine weights, &c. repealed, and justices at their petty sessions may appoint such examiners.

II. And be it further enacted, That it shall and may be lawful to and for the person or persons so to be appointed as aforesaid, and they are hereby required, (having first been sworn duly and faithfully to execute the office in him or them reposed by virtue of such appointment, and of this Act, which oath such justices are hereby authorized and empowered to administer;) as often as the said justices shall direct, in the day time, to enter into the shop, mill, house, outhouses, and other premises near to such shop, mill, or house, and into the stall or standing place of any person or persons who sell by retail and weight any wares, provisions, goods, or chattels whatsoever, and then and there to search for, view, and examine all weights and balances in such shop, mill, house, outhouses, premises, stall, or standing place, and to seize any weight or weights, not being according to the standard in the Exchequer, or any false or unequal balance or balances, which shall, upon such search, be found therein, and to detain the same, to be produced before the justices in petty sessions as aforesaid, upon the hearing of the information or informations hereinafter mentioned; and the person or persons, in whose shop, mill, house, outhouses, premises, stall, or standing place, any such defective weight or weights, on any such false or unequal balance or balances, shall be found (against whom for such offence or offences an information or informations is and are hereby directed to be preferred) shall upon conviction thereof in petty sessions as aforesaid, upon view or confession, or upon the oath of one or more credible witness or witnesses, forfeit and pay, for every such offence, any sum of money not exceeding twenty shillings, nor less than five shillings, as the said justices, before whom such person or persons shall have been convicted, shall in their discretion order and adjudge, to-

Examiners, when directed by the justices, to visit shops, &c. and seize false weights, &c.

Penalty for having false weights, &c.

(1) This extends only to such divisions, &c. as were known and recognized at the time when the Act passed; and therefore such appointments, made at a petty sessions, by two justices for a district which they had, without the consent of the other magistrates, created within the last five or six years, was held to be illegal. Rex v. Devon (justices) 1 B & A. 588.

No. XVI. 37 Geo. III. c. 143.

gether with the costs and charges attending such conviction; such forfeiture, together with such costs and charges, to be levied by warrant under the hands and seals of the said justices, by distress and sale of so much of the goods and chattels of the person or persons offending, as shall be sufficient to pay the said penalty, and also the expences of making such distress and sale.

Justices to cause false weights, &c. to be broken, and the produce of the materials and the forfeitures to be paid to the county treasurer, &c.

III. And be it further enacted, That on the conviction of such offender or offenders, the said justices shall cause such defective weight or weights, or such false or unequal balance or balances, so produced before them, to be forthwith broken and rendered useless, and the materials thereof to be sold, and the money arising from such sale, together with the amount of the forfeiture or forfeitures, to be paid by them to the treasurer of such county, riding, or division, to be by him applied towards the expences of carrying the said recited Act and this Act into execution, and the residue (if any) on account of the public stock of such county, riding, or division; and the said justices shall also prepare, or cause to be prepared, returns of the forfeitures levied by them in pursuance of the said before recited Act, and of this Act, and also of the sums arising from the sale of such defective weights, and false and unequal balances, and shall transmit such returns, signed by them, to the clerk of the peace for such county, riding, or division, respectively, at every general quarter-sessions of the peace to be held for such county, riding, or division.

If the majority of inhabitants wish that any persons should be specially appointed examiners, they may, in vestry, nominate them for approbation of the justices.

IV. Provided always, and be it further enacted, That if the majority of the inhabitants of any parish, township, or place, within such county, riding, or division, should be desirous that any person or persons shall be specially appointed to examine the weights and balances within such parish, township, or place, it shall and may be lawful for such inhabitants, and they are hereby empowered (at a vestry to be duly holden for that purpose) to nominate one or more substantial householder or householders, to be approved of and appointed by the said justices, at their respective petty sessions for the division or district wherein such parish, township, or place, shall lie; which person or persons so nominated, approved, and appointed, shall have the same powers and authorities, within such parish, township, or place, as are vested in the person or persons appointed for any district, division, or place respectively.

But no such appointment shall be made till the inhabitants have procured standard weights, the costs of which, and the recompence to the examiners, to be paid out of the poor's rates.

V. Provided also, and be it further enacted, That no appointment for such parish, township, or place, shall be made, until the inhabitants thereof have procured, or caused to be procured, the proper weights, according to the standard in the Exchequer, for the use of such parish, township, or place, to be deposited in the custody of the person or persons to be appointed as last mentioned; and that it shall and may be lawful for the said justices, in their respective petty sessions, to order and direct the costs and charges of procuring such weights, and the recompence and satisfaction to be allowed to such person or persons, for his or their time and trouble in the execution of such office, within such parish, township, or place, to be paid out of the rate made for the relief of the poor, within such parish, township or place.

Powers of recited Act (excepted hereby altered) to remain in force.

VI. And be it further enacted, That all the clauses, powers, and provisions contained in the said recited Act (except such as are hereby repealed or altered) shall continue in force, in the same manner as if the same were repeated and re-enacted in the body of this present Act; any thing herein contained to the contrary thereof in anywise notwithstanding.

Proceedings not to be removed.

VII. And be it further enacted, That no proceedings to be had touching the conviction of any offender or offenders against the said recited Act, or this Act, shall be removed by writ of *certiorari* or by any other writ or process whatsoever, into any of his Majesty's Courts of record at *Westminster*.

Justices to cause convictions to be made out in the following form.

VIII. And be it further enacted by the authority aforesaid, That the justices of the peace before whom any offender shall be convicted as aforesaid, shall cause the said conviction to be made out in the manner and form following, or in any other form of words to the same effect, *mutatis mutandis* (that is to say),

'BE it remembered, That on the day of in

No. XVI. 37 Geo. III. c. 143.

'the year of our Lord at a petty sessions holden for the [division 'or district] of in the said [county, riding or division] before 'A. B. and C. D. justices of the peace, acting in and for the said 'E. F. of in the said was duly convicted before us 'the said justices, for that he the said E. F. on the day of 'now last past, at in the said contrary to the form of 'the statute in that case made and provided [*here state the offence against 'the Act*]; and we the said justices do declare and adjudge, that the said 'E. F. hath forfeited the sum of of lawful money of *Great Britain* for the offence aforesaid, to be applied as the law directs; and also, 'the further sum of of like lawful money, for the reasonable costs 'and charges attending this conviction.

'Given under our hands and seals on the day and in the year first men- 'tioned.'

Public Act.

IX. And be it further enacted, That this Act shall be deemed and taken to be a public Act; and be judicially taken notice of as such, by all judges, justices, and other persons, without the same being specially pleaded or set forth.

[No. XVII.] 55 George III. c. 43.—An Act for the more effectual Prevention of the Use of false and deficient Measures.—[*2d May* 1815.]

No. XVII. 55 Geo. III. c. 43.

'WHEREAS the laws now in force for the regulation of measures have 'been found ineffectual for that purpose, and frauds are frequently 'committed by persons using false and deficient measures, by which the 'poor in particular are greatly injured; and it would tend to prevent such 'pernicious and fraudulent practices if the justices of the peace throughout '*England* and *Wales* were empowered to appoint proper persons to examine 'the measures within their respective jurisdictions, and to punish such per- 'sons as shall be found offending in the premises:' May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act it shall be lawful for the justices of the peace of the several counties, ridings, divisions, cities, boroughs, and towns corporate of *England* and *Wales*, at their respective petty sessions, to appoint one or more person or persons, who shall have power to examine the measures within their several divisions, districts, and limits.

Justices may appoint proper persons to examine measures within their several divisions.

II. And be it further enacted, That it shall and may be lawful to and for the person or persons so to be appointed as aforesaid, and they are hereby required (having been first sworn duly and faithfully to execute the office in him or them reposed by virtue of such appointment and of this Act, which oath such justices are hereby authorized and empowered to administer) as often as such justices shall direct, in the day-time to enter into the shop, house, outhouses, and other places near to such shop or house, and into the stall or standing place of any person or persons within their respective divisions or limits, who shall sell by retail, and by any measure or capacity, any liquid or dry goods or other article whatsoever and then and there to search for, view, and examine all measures of capacity in such shop, house, outhouse, premises, stall or standing place, and to seize any such measure or measures not being according to the standard in the Exchequer, which shall upon such search be found therein, and to detain the same, to be produced before the justices in petty sessions as aforesaid, upon the hearing of the information or informations hereinafter mentioned; and the person or persons in whose shop, house, outhouses, premises, stall or standing place, any such deficient measure or measures shall be found (against whom for such offence or offences an information or informations is and are hereby directed to be preferred) shall, upon conviction thereof in petty sessions as aforesaid, upon view or confession, or upon the oath of one or more credible

Examiners duly appointed, may enter shops, &c. in search of false measures, and seize the same.

No. XVII. 55 Geo. III. c. 43.

witness or witnesses, forfeit all such false and deficient measures, which measures so forfeited shall be broken and otherwise disposed of as such justices before whom such conviction shall have taken place shall order and direct; and shall also forfeit and pay for every such false or deficient measure any sum of money not exceeding twenty shillings nor less than five shillings, as the said justices, before whom such person or persons shall have been convicted, shall in their discretion order and adjudge, together with the costs and charges attending such conviction; such forfeiture, together with such costs and charges, to be levied by warrant under the hands and seals of the said justices, or the hand and seal of one of them, by distress and sale of so much of the goods and chattels of the person or persons offending as shall be sufficient to pay the said penalty, and the expences of such distress and sale; and in case no such sufficient distress can be found, and such penalties and forfeitures, with the said costs and charges, shall not be forthwith paid, it shall be lawful for such justices, or either of them, and they and he are and is hereby authorized and required, by warrant under their or his hands and seals, or hand and seal, to commit such offender or offenders to the gaol or house of correction of the limit where the offence shall be committed, for any time not exceeding one month, unless the penalties, costs, and charges in which such offender or offenders shall be convicted, shall be sooner paid.

Penalty on persons obstructing or resisting any examiner of measures, or not producing their measures for examination.

II. And be it further enacted, That if any person shall wilfully obstruct, hinder, resist, or in anywise oppose any of the persons hereby authorized and empowered to view and examine such measures in the execution of his office; or if any person selling or retailing by measure, shall refuse to produce his or her measures in order to be viewed and examined, he or she who shall so offend, shall for every such offence, on being duly convicted on oath before any one or more justice or justices of the peace, forfeit and pay any sum not exceeding five pounds, nor less than forty shillings, as the justice or justices before whom any such offender shall be convicted, shall adjudge; and such forfeiture or penalty shall be levied and recovered in the manner hereinbefore directed.

Justices to apply forfeitures towards the expenses of this Act;

IV. And be it further enacted, That on the conviction of any offender or offenders against this Act, the justice or justices before whom such conviction shall take place shall cause the amount of the forfeiture or forfeitures which shall be levied or paid by virtue of any such conviction, to be applied towards the expenses of carrying this Act into execution, and the residue (if any) to be paid to the treasurer of the county, riding, division, city, borough, or town corporate, on account of the publick stock thereof;

and to make returns of the forfeitures.

and the said justices shall also prepare, or cause to be prepared, returns of the forfeitures, levied by them in pursuance of this Act, and shall transmit such returns signed by them to the clerk of the peace, at every general quarter sessions of the peace.

Examiners to be allowed a reasonable recompense for their trouble.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the justices, at their general quarter sessions to allow to such person or persons as shall be appointed to examine measures under this Act, a reasonable recompense or satisfaction for their trouble in the execution of the said office; such recompense or satisfaction to be paid to such person or persons out of the general rate or stock of any such county, riding, division, city, borough or town corporate.

Justices to purchase proper measures for the use of their respective counties, &c. to be deposited with the clerks of the peace.

VI. And for the more effectually carrying this Act into execution, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said justices, and they are hereby empowered and required, as soon after the passing of this Act as may be convenient, to purchase or cause to be purchased, for the use of their respective counties or other limits, out of the general rate or stock of such county or other limit, proper measures, duly marked, according to the standard in the Exchequer, which shall be deposited either with the respective clerks of the peace, or with some other proper person, in such safe and convenient place or places within their respective limits, as the said justices shall direct; and shall be produced by the person or persons in whose custody the same shall be lodged (upon reasonable notice) at such time and place as any person or

persons shall by writing under their hands require and appoint; the person or persons so requiring the production of the said measures, paying the reasonable costs and charges of producing the same.

Majority of inhabitants of any parish, &c., empowered to nominate five householders as examiners.

VII. Provided always, and be it further enacted, That if the majority of the inhabitants of any parish, township, or place, should be desirous that any person or persons shall be specially appointed to examine the measures within such parish, township, or place, it shall and may be lawful for such inhabitants, and they are hereby empowered (at a vestry to be duly holden for that purpose) to nominate five or more substantial householder or householders, to be approved of and appointed by the said justices at their respective petty sessions for the division or district wherein such parish, township, or place shall lie; which person or persons so nominated, approved, and appointed, shall have the same powers and authorities, within such parish, township, or place, as are vested in the person or persons appointed for any district, division, or place respectively.

No appointment of such examiners to take place until proper measures are procured by the inhabitants.

VIII. Provided also, and be it further enacted, That no appointment for such parish, township, or place, shall be made until the inhabitants thereof shall have procured, or caused to be procured, the proper measures, duly marked, according to the standard in the Exchequer, for the use of such parish, township, or place, to be deposited in the custody of the person or persons to be appointed as last-mentioned; and that it shall and may be lawful for the said justices in their respective petty sessions to order and direct the costs and charges of procuring such measures, and the recompence and satisfaction to be allowed to such person or persons for his or their time and trouble in the execution of such office, within such parish, township, or place, to be paid out of the rate made for the relief of the poor within such parish, township, or place.

Proceedings touching convictions not to be removed.

IX. And be it further enacted, That no proceedings to be had touching the conviction of any offender or offenders against this Act, shall be removed by writ of *certiorari*, or by any other writ or process whatsoever, into any of his Majesty's Courts of Record at *Westminster*.

Conviction.

X. And be it further enacted by the authority aforesaid, That the justice or justices of the peace before whom any offender shall be convicted as aforesaid, shall cause the conviction to be made out in the manner and form following, or in any other form of words to the same effect, *mutatis mutandis*, (that is to say);

Form of conviction.

'BE it remembered, That on the day of in the year 'of our Lord at a petty session holden at for be- 'fore us *A. B.* and *C. D.* justices of the peace acting in and for the said 'E. F. of in the said was duly convicted before 'us the said justices, for that he the said *E. F.* on the day of 'now last past, at in the said contrary to the form of the 'statute in that case made and provided, [*here state the offence against this 'Act;*] and we, the said justices, do declare and adjudge that the said 'E. F. hath for such offence forfeited the said [*several*] measures [ ] 'and hath also forfeited the sum of of lawful money of *Great Bri- 'tain*, to be applied as the law directs; and the further sum of of 'like lawful money, for the reasonable costs and charges attending this 'conviction. Given under our hands and seals, on the day and in the year 'first mentioned.'

Persons convicted, and suffering for the same, not to be otherwise punishable.

XI. Provided always, and be it further enacted, That any person or persons convicted of an offence under this Act, and who shall suffer for the same under this Act, shall not be otherwise punished for such offence by virtue of any other law or statute of this realm.

Bodies politic, &c., to have the same power of examining, &c., measures as formerly.

XII. Provided also, and be it further enacted, That this Act, or any thing herein contained, shall not extend, or be construed to extend, to lessen or prevent the authority which any person or persons, bodies politic or corporate, or any person appointed at any court leet for any hundred or manor, may have or possess for the examining, regulating, seizing, breaking, or destroying any measures within their respective jurisdictions; but

No. XVII. 55 Geo. III. c. 43.

that he, she, and they shall and may have and possess the same power and authority therein as if this Act had not been made.

No person to be prosecuted unless on information on oath.

XIII. Provided also, and be it further enacted, That no person or persons shall be prosecuted for any offence against this Act, unless information thereof upon oath shall have been given to some justice of the peace within six weeks after the offence committed.

[No. XVIII.] 5 George IV. c. 74.—An Act for ascertaining and establishing Uniformity of Weights and Measures.—[17th *June* 1824.]

No. XVIII. 5 Geo. IV. c. 74.

WHEREAS it is necessary for the security of commerce and for the good of the community, that weights and measures should be just and uniform: And whereas notwithstanding it is provided by the great charter, that there shall be but one measure and one weight throughout the realm, and by the treaty of union between *England* and *Scotland*, that the same weights and measures should be used throughout *Great Britain* as were then established in *England*, yet different weights and measures, some larger, and some less, are still in use in various places throughout the United Kingdom of *Great Britain* and *Ireland*, and the true measure of the present standards is not verily known, which is the cause of great confusion and of manifest frauds: For the remedy and prevention of these evils for the future, and to the end that certain standards of weights and measures should be established throughout the United Kingdom of *Great Britain* and *Ireland;* be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the first day of *May* one thousand eight hundred and twenty-five, the straight line or distance between the centres of the two points in the gold studs in the straight brass rod, now in the custody of the clerk of the House of Commons, whereon the words and figures "Standard Yard, 1760," are engraved, shall be and the same is hereby declared to be the original and genuine standard of that measure of length or lineal extension called a yard; and that the same straight line or distance between the centres of the said two points in the said gold studs in the said brass rod, the brass being at the temperature of sixty-two degrees by *Fahrenheit's* thermometer, shall be and is hereby denominated the "Imperial Standard Yard," and shall be and is hereby declared to be the unit or only standard measure of extension, wherefrom or whereby all other measures of extension whatsoever, whether the same be lineal, superficial, or solid, shall be derived, computed, and ascertained; and that all measures of length shall be taken in parts or multiples, or certain proportions of the said standard yard; and that one-third part of the said standard yard shall be a foot, and the twelfth part of such foot shall be an inch; and that the pole or perch in length shall contain five such yards and a half, the furlong two hundred and twenty such yards, and the mile one thousand seven hundred and sixty such yards.

After 1st May 1825, Standard Yard defined as the Measure of Length shall be the Unit of the Measures of Extension.

Foot.
Inch.
Pole or Perch.
Furlong.
Mile.

II. And be it further enacted, That all superficial measure shall be computed and ascertained by the said standard yard, or by certain parts, multiples, or proportions thereof; and that the rood of land shall contain one thousand two hundred and ten square yards, according to the said standard yard; and that the acre of land shall contain four thousand eight hundred and forty such square yards, being one hundred and sixty square perches, poles, or rods.

Superficial Measures to be computed from the said Yard.
Rood.
Acre.

III. And whereas it is expedient that the said standard yard, if lost, destroyed, defaced, or otherwise injured, should be restored of the same length, by reference to some invariable natural standard: And whereas it has been ascertained by the commissioners appointed by his Majesty to inquire into the subject of weights and measures, that the said yard hereby declared to be the imperial standard yard, when compared with a pen-

The Yard, if lost, &c., may be restored by Reference to the Length of a Pendulum vibrating Seconds at London.

dulum vibrating seconds of mean time in the latitude of *London*, in a vacuum at the level of the sea, is in the proportion of thirty-six inches to thirty-nine inches, and one thousand three hundred and ninety-three ten-thousandth parts of an inch; be it therefore enacted and declared, That if at any time hereafter the said imperial standard yard shall be lost, or shall be in any manner destroyed, defaced, or otherwise injured, it shall and may be restored by making, under the direction of the lord high treasurer, or the commissioners of his Majesty's treasury of the United Kingdom of *Great Britain* and *Ireland*, or any three of them, for the time being, a new standard yard, bearing the same proportion to such pendulum as aforesaid, as the said imperial standard yard bears to such pendulum.

Standard Pound defined as the Measure of Weight.

IV. And be it further enacted, That from and after the first day of *May* one thousand eight hundred and twenty-five, the standard brass weight of one pound troy weight, made in the year one thousand seven hundred and fifty-eight, now in the custody of the clerk of the House of Commons, shall be and the same is hereby declared to be the original and genuine standard measure of weight, and that such brass weight shall be and is hereby denominated the imperial standard troy pound, and shall be and the same is hereby declared to be the unit or only standard measure of weight, from which all other weights shall be derived, computed, and ascertained; and that one-twelfth part of the said troy pound shall be an ounce; and that one-twentieth part of such ounce shall be a pennyweight; and that one-twenty-fourth part of such pennyweight shall be a grain; so that five thousand seven hundred and sixty such grains shall be a troy pound, and that seven thousand such grains shall be and they are hereby declared to be a pound avoirdupois, and that one-sixteenth part of the said pound avoirdupois shall be an ounce avoirdupois, and that one-sixteenth part of such ounce shall be a dram.

Ounce. Penny-weight. Grain. 5,760 Grains in lb. Troy. Pound Avoirdupois, 7,000 Grains Troy. Ounce. Dram.

The Pound, if lost, &c., may be restored by Reference to the Weight of a Cubic Inch of Water.

V. And whereas it is expedient, That the said standard troy pound, if lost, destroyed, defaced, or otherwise injured, should be restored of the same weight, by reference to some invariable natural standard: And whereas it has been ascertained, by the commissioners appointed by his Majesty to inquire into the subjects of weights and measures, that a cubic inch of distilled water, weighed in air by brass weights, at the temperature of sixty-two degrees of *Fahrenheit's* thermometer, the barometer being at thirty inches, is equal to two hundred and fifty-two grains and four hundred and fifty-eight thousandth parts of a grain, of which, as aforesaid, the imperial standard troy pound contains five thousand seven hundred and sixty; be it therefore enacted, That if at any time hereafter the said imperial standard troy pound shall be lost, or shall be in any manner destroyed, defaced, or otherwise injured, it shall and may be restored by making, under the directions of the lord high treasurer, or the commissioners of his Majesty's treasury of the United Kingdom of *Great Britain* and *Ireland*, or any three of them for the time being, a new standard troy pound, bearing the same proportion to the weight of a cubic inch of distilled water, as the said standard pound hereby established bears to such cubic inch of water.

Standard Gallon, containing 10 Pounds Avoirdupois of Water, to be the Measure of Capacity.

VI. And be it further enacted, That from and after the first day of *May* one thousand eight hundred and twenty-five, the standard measure of capacity, as well for liquids as for dry goods not measured by heaped measure, shall be the gallon, containing ten pounds avoirdupois weight of distilled water weighed in air, at the temperature of sixty-two degrees of *Fahrenheit's* thermometer, the barometer being at thirty inches; and that a measure shall be forthwith made of brass, of such contents as aforesaid, under the directions of the lord high treasurer, or the commissioners of his Majesty's treasury of the United Kingdom, or any three or more of them for the time being; and such brass measure shall be and is hereby declared to be the imperial standard gallon, and shall be and is hereby declared to be the unit and only standard measure of capacity, from which all other measures of capacity to be used, as well for wine, beer, ale, spirits, and all sorts of liquids, as for dry goods not measured by heap measure, shall be derived, computed, and ascertained; and that all measures shall be taken in parts or multiples, or certain proportions of the said im-

Gallon.

No. XVIII. 5 Geo. IV. c. 74.

perial standard gallon; and that the quart shall be the fourth part of such standard gallon, and the pint shall be one-eighth of such standard gallon, and that two such gallons shall be a peck, and eight such gallons shall be a bushel, and eight such bushels a quarter of corn or other dry goods, not measured by heaped measure.

Quart. Pint. Standard for Heaped Measure.

Peck. Bushel. Quarter.

VII. And be it further enacted, That the standard measure of capacity for coals, culm, lime, fish, potatoes, or fruit, and all other goods and things commonly sold by heaped measure, shall be the aforesaid bushel, containing eighty pounds avoirdupois of water as aforesaid, the same being made round with a plain and even bottom, and being nineteen inches and a half from outside to outside of such standard measure as aforesaid.

How the Bushel shall be heaped.

VIII. And be it further enacted, That in making use of such bushel, all coals and other goods and things commonly sold by heaped measure, shall be duly heaped up in such bushel, in the form of a cone, such cone to be of the height of at least six inches, and the outside of the bushel to be the extremity of the base of such cone; and that three bushels shall be a sack, and that twelve such sacks shall be a chaldron.

Measure of Weight, or Heaped Measure, to be used for Coals, Culm, Lime, Fish, Potatoes, and Fruit. For other Articles, Weight or stricken Measure.

IX. Provided always, and be it enacted, That any contracts, bargains, sales, and dealings, made or had for or with respect to any coals, culm lime, fish, potatoes, or fruit, and all other goods and things commonly sold by heaped measure, sold, delivered, done or agreed for, or to be sold, delivered, done, or agreed for by weight or measure, shall and may be either according to the said standard of weight, or the said standard for heaped measure; but all contracts, bargains, sales, and dealings, made or had for any other goods, wares, or merchandize, or other thing done or agreed for, or to be sold, delivered, done or agreed for by weight or measure, shall be made and had according to the said standard of weight, or to the said gallon, or the parts, multiples, or proportions thereof; and in using the same the measures shall not be heaped, but shall be stricken with a round stick or roller, straight and of the same diameter from end to end,

Not to authorize selling by Measure of Articles required to be sold by Weight in Ireland.

X. Provided always, and be it enacted, That nothing herein contained shall authorize the selling in *Ireland*, by measure, of any articles, matters, or things which by any law in force in *Ireland* are required to be sold by weight only.

Copies and Models of the Standard of Length, Weight, and Measure, to be made and verified under Direction of the Treasury.

XI. And be it further enacted, That copies and models of each of the said standard yard, the said standard pound, the said standard gallon, and the said standard for heaped measure, and of such parts and multiples thereof respectively, as the lord high treasurer of the United Kingdom of *Great Britain* and *Ireland*, or the said commissioners of his Majesty's treasury, or any three of them for the time being, shall judge expedient, shall, within three calendar months next after the passing of this Act, be carefully made and verified under the direction of the said lord high treasurer, or the said commissioners of his Majesty's treasury, or any three of them for the time being; and that the copies and models of the said standard yard, of the said standard pound, of the said standard gallon, and of the said standard for heaped measure, and of parts and multiples, thereof, so forthwith to be made and verified as aforesaid, shall, within three calendar months after the passing of this Act, be deposited in the office of the chamberlains of the exchequer at *Westminster*, and that copies thereof, verified as aforesaid, shall be sent to the lord mayor of *London* and the chief magistrate of *Edinburgh* and *Dublin*, and of such other cities and places, and to such other places and persons in his Majesty's dominions or elsewhere, as the lord high treasurer or commissioners of the treasury may from time to time direct.

Models and Copies to be provided for Counties, &c.

XII. And be it further enacted, That his Majesty's justices of the peace in every county, riding, or division in *England* or *Ireland*, or shire or stewartry in *Scotland*, and the magistrates in every city, town, or place (being a county within itself) in *England* or *Ireland*, and in every city or royal burgh in *Scotland*, shall, within six calendar months after the passing of this Act, purchase for their respective counties, ridings, or divisions,

shires or stewartries, cities, towns, or places, or cities or royal burghs, a model and copy of each of the aforesaid standards of length, weight, measure, and of each of the parts and multiples thereof; which models and copies, when so purchased, shall be compared and verified with the models and copies deposited with the chamberlains of the exchequer as aforesaid, in such manner as aforesaid, and upon payment of such fees as are at present payable to the said chamberlains upon the comparison and verification of weights and measures with the standards thereof; and such models and copies, when so compared and verified, shall be placed for custody and inspection with such person or persons, and in such place or places, as the said justices and magistrates, in their respective counties, ridings and divisions, and shires or stewartries, cities, towns, and places, or cities or royal burghs, shall appoint, and the same shall be produced by the keeper or keepers thereof, upon reasonable notice, at such time or times, and place or places, within each such county, riding, or division, shire or stewartry, city, town, or place, or city or royal burgh, as any person or persons shall by writing under his or their hand or hands require, the person requiring such production paying the reasonable charges of the same.

Expences of procuring the same, &c., how to be paid.

XIII. And be it further enacted, That the expence of procuring and transmitting such models and copies for the respective counties, ridings, or divisions, cities, towns, or places, shall be paid, in that part of the said United Kingdom of *Great Britain* and *Ireland* called *England*, out of the rates payable in such counties, ridings, or divisions, cities, towns, or places; and in that part of the said United Kingdom called *Scotland*, such expences in the respective shires and stewartries, and cities or royal burghs, shall be assessed by the commissioners of supply upon such shires and stewartries, and upon cities or royal burghs, by the magistrates thereof, and shall be paid along with the land tax payable in such shires or stewartries, and cities or royal burghs, to the collectors of the land tax in such shires or stewartries, and cities or royal burghs respectively; and in *Ireland* such expences shall be paid in the respective counties and counties of cities and counties of towns, by presentments to be made by grand juries; and the collectors of such county rates in *England*, of land tax in *Scotland*, and of the assessments under grand jury presentments in *Ireland*, shall have such and the same powers of levying and recovering the assessments to be made under this Act, as are competent to them for levying and recovering the said county rates, land tax, and grand jury assessments respectively; and the said collectors respectively shall, out of the proceeds of such assessments, pay the expences of procuring and transmitting such models and copies as aforesaid accordingly.

For ascertaining Measures of Capacity, where Reference cannot easily be had to Standards.

XIV. Provided always, and be it enacted, That in all cases of dispute respecting the correctness of any measure of capacity, arising in a place where recourse cannot be conveniently had to any of the aforesaid verified copies or models of the standard measures of capacity, or parts or multiples of the same, it shall and may be lawful to and for any justice of the peace or magistrate having jurisdiction in such place, to ascertain the content of such measure of capacity by direct reference to the weight of pure or rain water which such measure is capable of containing; ten pounds avoirdupois weight of such water, at the temperature of sixty-two degrees by *Fahrenheit's* thermometer, being the standard gallon ascertained by this Act, the same being in bulk equal to two hundred and seventy-seven cubic inches, and two hundred and seventy-four one thousandth parts of a cubic inch, and so in proportion for all parts or multiples of a gallon.

Standard Gallon.

After 1st May 1825, all Contracts for Sale, &c., by Weight or Measure shall relate to the Standard, unless the contrary is specified.

XV. And be it further enacted, That from and after the first day of *May* one thousand eight hundred and twenty-five, all contracts, bargains, sales, and dealings, which shall be made or had within any part of the United Kindom of *Great Britain* and *Ireland*, for any work to be done, or for any goods, wares, merchandize, or other thing to be sold, delivered, done, or agreed for by weight or measure, where no special agreement shall be made to the contrary, shall be deemed, taken, and construed to be made and had according to the standard weights and measures ascer-

tained by this Act; and in all cases where any special agreement shall be made, with reference to any weight or measure established by local custom, the ratio or proportion which every such local weight or measure shall bear to any of the said standard weights or measures, shall be expressed, declared, and specified in such agreement, or otherwise such agreement shall be null and void.

Existing Weights and Measures may be used, being marked so as to show the Proportion they have to the Standard Measures and Weights.

XVI. And whereas it is expedient that persons should be allowed to use the several weights and measures which they may have in their possession, although such weights and measures may not be in conformity with the standard weights and measures established by this Act; be it therefore enacted, That it shall and may be lawful for any person or persons to buy and sell goods and merchandize by any weights or measures established either by local custom, or founded on special agreement: Provided always, that in order that the ratio or proportion which all such measures and weights shall bear to the standard weights and measures established by this Act, shall be and become a matter of common notoriety, the ratio or proportion which all such customary measures and weights shall bear to the said standard weights and measures, shall be painted or marked upon all such customary weights and measures respectively; and that nothing herein contained shall extend or be construed to extend to permit any maker of weights or measures, or any person or persons whomsoever, to make any weight or measure at any time after the first day of *May* one thousand eight hundred and twenty-five, except in conformity with the standard weights and measures established under the provisions of this Act.

For ascertaining Rents, &c., payable in Grain or Malt, &c., in England and Ireland.

XVII. And for the purpose of ascertaining and fixing the payments to be made in consequence of all existing contracts or rents in *England* and *Ireland*, payable in grain or malt, or in any other commodity or thing, and in consequence of any toll or rate heretofore payable according to the weights and measures heretofore in use; be it enacted, That at the general or quarter sessions of the peace to be holden in every county, riding, or division, and in every city, town, or place (being a county of itself), in *England* or *Ireland*, next after the expiration of six calendar months after the passing of this Act, or at any general quarter sessions of the peace to be holden thereafter, an inquisition shall be taken before the justices assembled at such general or quarter sessions, by the oaths of twelve substantial freeholders of the said respective counties, cities, towns, or places, having lands or tenements to the value of one hundred pounds *per annum* or upwards, to be summoned by the sheriff or proper officer of every such county, city, town, or place, to inquire into and ascertain the amount, according to the standard of weight or measure by this Act established, of all contracts or rents payable in grain or malt, or any other commodity or thing, or with reference to the measure or weight of any such grain, malt, or other commodity or thing, and the amount of any toll or rate heretofore payable according to any weights and measures heretofore in use within such counties, cities, towns, or places respectively; and such inquisitions, when taken, shall be transmitted by the respective clerks of the peace of the same counties respectively, or by the mayor, bailiff, or other head officer of every such city, town, or place (being a county of itself) into his Majesty's Courts of Exchequer at *Westminster* and *Dublin* respectively, and shall there be enrolled of record, and shall and may be given in evidence in any action or suit at law or in equity; and the amount so to be ascertained shall be the rule of payment in regard to all such contracts, rents, tolls, or rates, in all time coming; and the costs and charges of such inquisitions, and the enrolments thereof, shall be paid and defrayed in *England* out of the general rate or stock of every such county, riding, division, city, town, or place (being a county of itself), and in *Ireland* by presentments of the several grand juries.

For ascertaining Rents, &c., payable in Grain or Malt, &c., in Scotland.

XVIII. And for the purpose of ascertaining and fixing the payments to be made of all stipends, feu duties, rents, tolls, customs, casualties, and other demands whatsoever, payable in grain, malt, or meal, or any other commodity, or thing in that part of the United Kingdom called *Scotland*, or in any place or district of the same; be it enacted, That the sheriff

depute or sheriff substitute in each shire, and the stewart depute or stewart substitute in each stewartry, within *Scotland*, shall as soon as conveniently may be after the expiration of six calendar months from and after the passing of this Act, summon and impannel a jury of the same number, and with the same qualifications, which are required in the jury who strike the fiar prices of grain within the same shire or stewartry, to assemble at such place or places as he shall find convenient; which jury shall inquire into and ascertain the amount, according to the standards by this Act established, of all such stipends, feu duties, rents, tolls, customs, casualties, and other demands whatsoever, payable in grain, malt, meal, or any other commodity or thing, according to the weights and measures heretofore in use within the same shires or stewartries; and such inquisitions, when taken, shall be transmitted by the respective sheriff clerks or stewart clerks of such shires or stewartries, into his Majesty's Court of Exchequer at *Edinburgh*, and shall there be enrolled of record, and shall and may be given in evidence in any action or suit at law or in equity; and the amount so to be ascertained shall, when converted into the standard weights and measures, be the rule of payment in regard to all such stipends, feu duties, rents, tolls, customs, casualties, and other demands whatsoever, in all time coming; and the costs and charges of such inquisitions, and the enrolment thereof, shall be assessed and levied, paid and defrayed, by every such shire or stewartry, in manner as is herein-before directed in regard to the assessment for the models of the weights and measures to be purchased for the same shire or stewartry.

Tables of Equalization to be made and constructed.

XIX. And be it further enacted, That as soon as conveniently may be after such inquisitions shall have been made and enrolled in *England*, *Ireland*, and *Scotland* respectively, accurate tables shall be prepared and published under the authority of the said commissioners of his Majesty's treasury, showing the proportions between the weights and measures heretofore in use, as mentioned in such inquisitions, and the weights and measures hereby established, with such other conversions of weights or measures as the said commissioners of his Majesty's treasury may deem to be necessary; and after the publication of such tables, all future payments to be made shall be regulated according to such tables.

Tables to be constructed for the Collection of the Customs and Excise, &c.

XX. And whereas the weights and measures by which the rates and duties of the customs and excise, and other his Majesty's revenue, have been heretofore collected, are different from the weights and measures of the same denominations directed by this Act to be universally used: And whereas the alteration of such weights and measures may, without due care had therein, greatly affect his Majesty's revenue and tend to the diminishing of the same: For the prevention thereof, be it therefore enacted, That so soon as conveniently may be after the passing of this Act, accurate tables shall be prepared and published under the direction of the said commissioners of the treasury for the time being, in order that the several rates and duties of customs and excise, and other his Majesty's revenue, may be adjusted and made payable according to the respective quantities of the legal standards directed by this Act to be universally used; and that from and after the said first day of *May* one thousand eight hundred and twenty-five, and the publication of such tables, the several rates and duties thereafter to be collected by any of the officers of his Majesty's customs or excise, or other his Majesty's revenue, shall be collected and taken according to the calculations in the tables to be prepared as aforesaid.

Regulations and Penalties of British Acts, viz.

XXI. And be it further enacted, That all the powers, rules, and regulations in force, and contained in the several Acts herein-after mentioned, specified, and set forth, for the ascertaining, examining, seizing, breaking, and destroying any weights, balances, or measures, shall be applied and put in execution in *Great Britain* for the ascertaining and examining, and for the seizing, breaking, and destroying of any weights or measures not conformable to the standard weights and measures ascertained and authorized by this Act, and for the punishment of any person or persons having any defective weight or measure, not conformable to the said standard weights and measures; (that is to say,) in an Act made in the

No. XVIII. 5 Geo. IV. c. 74.

Parliament of *Great Britain*, in the twenty-ninth year of King *George* the Second, intituled "An Act for appointing a sufficient Number of Constables for the Service of the City and Liberty of *Westminster*, and to compel proper Persons to take upon them the Office of Jurymen, to prevent Nuisances and other Offences within the said City and Liberty;" and in an Act made in the thirty-first year of the reign of King *George* the Second, for explaining, amending, and rendering more effectual the said recited Act of the twenty-ninth year; and in an Act made in the Parliament of *Great Britain*, in the thirty-fifth year of the reign of his late Majesty King *George* the Third, intituled "An Act for the more effectual Prevention of the Use of defective Weights, and of false and unequal Balances;" and in an Act made in the Parliament of *Great Britain*, in the thirty-seventh year of his said late Majesty's reign, for explaining and amending the said recited Act of the said thirty-fifth year and as the said recited Act of the said thirty-fifth year is amended by the said Act of the said thirty-seventh year; and in an Act made in the Parliament of the United Kingdom of *Great Britain* and *Ireland*, in the fifty-fifth year of the reign of his said late Majesty, intituled "An Act for the more effectual Prevention of the Use of false and deficient Measures;" and all the powers, rules, regulations, provisions, penalties, and forfeitures in the said several Acts contained, shall be applied and put in execution as if the weights or measures ascertained by this Act had been specified in the said recited Acts respectively, and as if all such powers, rules, regulations, provisions, penalties, and forfeitures, and modes of recovery thereof, were repeated and re-enacted in this Act, except only so far as the said recited Acts or any of them, or any part thereof, are expressly repealed or altered by this Act, or any other Act or Acts.

29 G. 2. c. 25.
31 G. 2. c. 17.
35 G. 3. c. 102.
55 G. 3. c. 43.
shall be applied to this Act.

Regulations and Penalties of the following Acts, viz.

XXII. And be it further enacted, That all the powers, rules, and regulations in force, and contained in the several Acts herein-after mentioned, specified, and set forth, passed in the Parliament of *Ireland*, shall be applied and put in execution in *Ireland*, for the ascertaining and examining, and for the seizing, breaking, and destroying of any weights or measures not conformable to the standard weights and measures ascertained and authorized by this Act, and for the punishment of any person or persons having any defective weight or measure, or any weight or measure not conformable to the said standard weights and measures, and for the carrying into effect the several provisions of the said recited Acts with reference to the said standard weights and measures; (that is to say,) in an Act made in the fourth year of the reign of Queen *Anne*, for regulating the weights used in *Ireland*; and in an Act made in the eleventh year of the reign of King *George* the Second, for the buying and selling all sorts of corn and meal, and other things in the said Act mentioned, by weight; and in an Act made in the twenty-fifth year of the reign of King *George* the Second, intituled "An Act for buying and selling all Sorts of Corn and Meal, and other things therein mentioned, by weight, and for the more effectual preventing the Frauds committed in the buying and selling thereof;" and in an Act made in the twenty-seventh year of the reign of his late Majesty King *George* the Third, intituled "An Act for establishing Market Juries in Cities," and which said last-mentioned Act was by an Act made in the twenty-eighth year of his said late Majesty's reign extended to all counties of towns and corporate towns in *Ireland*; and all the powers, rules, and regulations, provisions, penalties, and forfeitures in the said several Acts contained, shall be applied and put in execution, as if the weights or measures ascertained by this Act had been specified in the said recited Acts respectively, and as if such powers, rules, regulations, provisions, penalties, and forfeitures, and the modes of recovery thereof, were repeated and re-enacted in this Act, except only so far as the said recited Acts or any of them, or any part thereof, are expressly repealed or altered by this Act, or any other Act or Acts.

4 Ann. (I.)
11 G. 2. (I.)
25 G. 2. (I.)
27 G. 3. (I.)
28 G. 3. (I.)
shall be applied to this Act.

So much of former Statutes, Ordinances, or Acts, as relate to establishing Weights or Measures, repealed, viz.

XXIII. And be it further enacted, That the several statutes, ordinances, and Acts, and parts of the several statutes, ordinances, and Acts herein-after mentioned and specified, so far as the same relate to the ascertaining

No. XVIII.
5 Geo. IV.
c. 74.

or establishing any standards of weights and measures, or to the establishing or recognizing certain differences between weights and measures of the same denomination, shall, from and after the first day of *May* one thousand eight hundred and twenty-five, be repealed; (that is to say,) certain ancient statutes or ordinances made previous to the reign of King *Edward* the Third, but being of uncertain date, intituled or known by the names or descriptions following: "Assisa Panis et Cervisiæ," or "The "Assize of Bread and Ale;" "Statutum de Pistoribus, et cetera," or "Statute concerning Bakers, et cetera;" or "Assisa de Ponderibus, "et Mensuris," or "Tractatus de Ponderibus," or "Compositio de Pon-"deribus, or "Assize of Weights and Measures;" "Statutum de Admen-"suratione Terræ," or "Statute for the measuring of Land;" "Compositio "Ulnarum et Perticarum;" and also so much of a statute made in the fourteenth year of the reign of King *Edward* the Third, as relates to the making of bushels and weights, and sending the same into every country; and also so much of the said last-mentioned statute as directs that the sack of wool ought to contain twenty-six stones, and every stone fourteen pounds; and also so much of a statute made in the eighteenth year of the reign of the said King *Edward* the Third, as relates to commissioners to assay weights and measures; and also so much of a statute made in the Parliament summoned at *Westminster* on the feast of *Saint Hilary*, in the twenty-fifth year of the reign of the said King *Edward* the Third, as relates to auncel weight, and the weight of the sack of wool, and as relates to the bushel, half bushel, peck, gallon, pottle, and quart, and to the quarter and measure of corn; and also so much of the statute or ordinance of the staples, made in the twenty-seventh year of the reign of the said King *Edward* the Third, as relates to the uniformity of weights and measures throughout the realm; and also so much of a statute made in the thirty-first year of the reign of King *Edward* the Third, as relates to the regulating the price and weight of wools, and as relates to the tun of wine and the gauging thereof; and also so much of a statute made in the thirty-fourth year of the reign of King *Edward* the Third, whereby justices of the peace are empowered to inquire of weights and measures; and also so much of a statute made in the fourth year of the reign of King *Richard* the Second, as relates to the gauging of vessels of wine, honey, oil, and other liquors brought into the realm; and also so much of a statute made in the thirteenth year of the reign of King *Richard* the Second, as relates to the regulating of weights and measures, and to the buying and selling of wool at fourteen pounds the stone; and also so much of a statute made in the fifteenth year of the reign of King *Richard* the Second, as relates to weights and measures of corn, wine, ale, and malt; and also so much of a statute made in the sixteenth year of the reign of King *Richard* the Second, as relates to the clerk of the market, and the assay of weights and measures made by him, and the using such weights and measures; and also so much of a statute made in the first year of the reign of King *Henry* the Fifth, as concerns the true measure of corn, or as is intituled "An "Act concerning the true Measure of Corn;" and also so much of a statute made in the second year of the reign of King *Henry* the Sixth, as relates to the several measures of vessels of wine, eels, herrings, and salmon; and also so much of a statute made in the eighth year of the reign of King *Henry* the Sixth, as relates to the confirming and amending former statutes concerning weights and measures, and requiring common balances and weights to be kept in all cities, boroughs, and towns; and also so much of a statute made in the ninth year of the reign of King *Henry* the Sixth, as relates to the explaining the said statute of the eighth year of King *Henry* the Sixth, concerning weights and measures, so far as relates to the burgesses of *Dorchester;* and also so much of the said statute made in the ninth year of King *Henry* the Sixth, as relates to the weight of a wey of cheese; and also so much of a statute made in the eleventh year of the reign of King *Henry* the Sixth, as relates to the confirming and amending former statutes concerning weights and measures; and also so much of a statute made in the eighteenth year of the reign of King *Henry* the Sixth, as relates to the gauging of vessels of wine, oil, and honey; and

Statutes of uncertain Date.

14 E. 3. c. 12.

c. 21.

18 E. 3. st. 2. c. 4.

25 E. 3. st. 5. c. 9, 10.

27 E. 3. st. 2. c. 10.

31 E. 3. st. 1. cc. 2. 5.

34 E. 3. c. 5.

4 R. 2. c. 1.

13 R. 2. st. 1. c. 9.

15 R. 2. c. 4.

16 R. 2. c. 3.

1 H. 5, c. 10.

2 H. 6. c. 11.

8 H. 6. c. 5.

9 H. 6. c. 6.

Id. c. 8.

11 H. 6. c. 8.

18 H. 6. c. 17.

22 E. 4. c. 2.

No. XVIII. 5 Geo. IV. c. 74.

also so much of a statute made in the twenty-second year of King *Edward* the Fourth, as relates to the packing of barrelled fish, or as is intituled "An Act for packing of Barrelled Fish;" and also the whole of an Act made in the first year of the reign of King *Richard* the Third, intituled "An Act to ascertain the Contents of Vessels of Wine and Oil, or An Act "for the Contents of a Butt of Malmsey;" and also an Act made in the seventh year of the reign of King *Henry* the Seventh, intituled "An Act "for Weights and Measures;" and also another Act made in the same seventh year of the reign of King *Henry* the Seventh, intituled "An Act "to pay Custom for every Butt of Malmsey;" and also an Act made in the eleventh year of the reign of King *Henry* the Seventh, intituled "An Act "for Weights and Measures;" and also an Act made in the twelfth year of the reign of King *Henry* the Seventh, intituled "An Act for Weights and "Measures;" and also an Act made in the twenty-third year of the reign of King *Henry* the Eighth, intituled "An Act that no Brewers of Beer or "Ale shall make their Barrels, Kilderkins, or Firkins within them, and "how much the same Barrels, et cetera, shall contain;" and also an Act made in the twenty-fourth year of the reign of King *Henry* the Eighth, intituled "An Act concerning Sale of Wines;" and also an Act made (in the Parliament of *Ireland*) in the twelfth year of the reign of Queen *Elizabeth*, intituled "An Act for the establishing the Standard of Measures "for Corn within certain Shires of this Realm;" and also so much of an Act made in the thirteenth year of the reign of Queen *Elizabeth*, intituled "An Act for the Maintenance of the Navigation," as relates to the assize of herring barrels; and also so much of an Act made in the twenty-third year of the reign of Queen *Elizabeth*, intituled "An Act touching the true "melting, making, and working of Wax," as relates to the barrel, kilderkin, or firkin of honey; and also the whole of an Act, made in the forty-third year of Queen *Elizabeth*, intituled "An Act concerning the Assize of "Fuel;" and also an Act made in the sixteenth year of the reign of King *Charles* the First, intituled "An Act for the better ordering and regulat-"ing of the Office of Clerk of the Market, allowed and confirmed by this "Statute; and for the Reformation of false Weights and Measures;" and also so much of an Act made in the twelfth year of the reign of King *Charles* the Second, intituled "A Grant of certain Impositions upon Beer, "Ale, and other Liquors, for the Increase of his Majesty's Revenue dur-"ing his Life," as relates to the contents of the barrel of beer and ale; and also an Act made in the twenty-second year of the reign of King *Charles* the Second, intituled "An Act for ascertaining the Measures of "Corn and Salt;" and also an Act made in the Parliament holden in the twenty-second and twenty-third years of the reign of the said King *Charles* the Second, intituled "An additional Act for ascertaining the Measures "of Corn and Salt;" and also so much of an Act made in the first year of the reign of King *William* and Queen *Mary*, intituled "An Act for "an additional Duty of Excise upon Beer or Ale and other Liquors," as relates to the contents of the barrel of beer and ale; and also so much of an Act made in the fifth and sixth years of the reign of King *William* and Queen *Mary*, made, among other things, for granting to their Majesties certain rates and duties upon salt, and upon beer, ale, and other liquors, as relates to the measure and weight of salt, and also an Act made (in the Parliament of *Ireland*) in the seventh year of the reign of King *William* the Third, for the better regulating of measures in and throughout that kingdom; and also so much of an Act made in the seventh and eighth years of the reign of King *William* the Third, made, among other things, for continuing to his Majesty certain duties upon salt, glass wares, and earthen wares, as relates to the measure and weight of salt; and also the whole of an Act made in the ninth and tenth years of the reign of King *William* the Third, intituled "An Act that all Retailers of Salt shall sell by Weight;" and also so much of an Act made in the tenth and eleventh years of the reign of King *William* the Third, made, among other things, for levying further duties upon sweets, and for lessening the duties, as well upon vinegar as upon certain low wines, as relates to the contents of a barrel of vinegar,

1 R. 3. c. 13.
7 H. 7. c. 4.
Id. c. 8.
11 H. 7. c. 4.
12 H. 7. c. 5.
23 H. 8. c. 4.
24 H. 8. c. 6.
12 Eliz. (I.)
13 Eliz. c. 11. in part.
23 Eliz. c. 8. in part.
43 Eliz. c. 14.
16 C. 1. c. 19.
12 C. 2. c. 23. in part.
22 C. 2. c. 8.
22, 23 C. 2. c. 12.
1 W. & M. st. 1. c. 24. in part.
5, 6 W. & M. c. 7. in part.
7 W. 3. (I.)
7, 8 W. & M. c. 31. in part.
9, 10 W. 3. c. 6.
10, 11 W. 3. c. 21. in part.

No. XVIII. 5 Geo. IV. c. 74.

vinegar beer, or liquor preparing for vinegar; and also so much of another Act made in the same tenth and eleventh years of the reign of the said King *William* the Third, intituled "An Act for the more full and effectual "charging of the Duties upon Rock Salt," as relates to the weight or measure of rock salt; and also the whole of an Act made in the eleventh and twelfth years of the reign of King *William* the Third, intituled "An Act "for the ascertaining the Measures for retailing Ale and Beer;" and also an Act made in the first year of the reign of Queen *Anne*, intituled "An "Act to ascertain the Water Measure of Fruit;" and also so much of an Act made in the same first year of the reign of Queen *Anne*, intituled "An Act for preventing Frauds in the Duties upon Salt, and for the better "Payment of Debentures at the Custom House," as relates to the weight and measure of foreign salt and rock salt; and also an Act made (in the Parliament of *Ireland*) in the second year of the reign of Queen *Anne*, for supplying the defects of the herein-before recited Act, passed in the Parliament of *Ireland* in the seventh year of the reign of King *William* the Third; and also so much of an Act made in the fifth and sixth years of the reign of Queen *Anne*, intituled "An Act for continuing several Sub-"sidies, Impositions, and Duties, and for making Provisions therein men-"tioned, to raise Money by way of Loan for the Service of the War, and "other her Majesty's necessary and important Occasions; and for ascer-"taining the Wine Measure," as relates to the contents of the gallon, tun, butt, pipe, and hogshead of wine; and also so much of an Act made in the ninth year of the reign of Queen *Anne*, made, among other things, for reviving, continuing, and appropriating certain duties upon several commodities to be exported, and certain duties upon coals to be waterborne and carried coastwise, as relates to the chaldron or chalder and bushel of coals; and also the whole of an Act made in the said ninth year of the reign of Queen *Anne*, for making more effectual the herein-before recited Act of the forty-third year of the reign of Queen *Elizabeth*, concerning the assize of fuel; and also an Act made in the tenth year of the reign of Queen *Anne*, intituled "An Act for explaining and altering the Laws "now in being concerning the Assizes of Fuel, so far as they relate to the "Assize of Billet made or to be made of Beech Wood only;" and also so much of an Act made (in the Parliament of *Ireland*) in the first year of the reign of King *George* the Second, intituled "An Act for prevent-"ing Combinations to enhance the Prices, and for avoiding Exactions and "Abuses formerly practised in the Sale and Measure of Coals," as relates to the dimensions of the half barrel, bushel, half bushel, peck, or half peck of coals; and also so much of an Act made in the eighth year of the reign of King *George* the Second, made, among other things for granting and continuing the duties upon salt and upon red and white herrings, as relates to the computation of the distance in miles between the pits and refineres of rock salt; and also an Act made (in the Parliament of *Ireland*) in the ninth year of the reign of King *George* the Second, intituled "An Act for the ascertaining the Gauge and the Measure of Barrels and "Half Barrels used by Brewers in selling Beer, Ale, and Small Beer;" and also so much of the statute made in the twenty-fourth year of the reign of King *George* the Second, intituled "An Act for explaining, "amending, and enforcing an Act passed in the Thirteenth Year of his "late Majesty's reign, intituled 'An Act for the better Regulation of the "'Linen and Hempen Manufactures in that Part of *Great Britain* called "'*Scotland*, and for further regulating and encouraging the said Manu-"'factures,'" as relates to the weight of hemp or flax; and also an Act made (in the Parliament of *Ireland*) in the twenty-sixth year of the reign of his late Majesty King *George* the Third, for preventing frauds in the measurement of lime; and also so much of an Act made in the thirty-eighth year of the reign of his late Majesty King *George* the Third, intituled "An Act for transferring the Management of the Salt Duties to "the Commissioners of Excise, and for repealing the Duties on Salt, and "the Drawbacks, allowances, and Bounties thereon," as relates to the weight of a bushel of salt; and also so much of an Act made in the forty-third year of the reign of his late Majesty King *George* the Third, in-

10, 11 W. 3. c. 22. in part.
11, 12 W. 3. c. 15.
1 Ann. st. 1. c. 15. in part.
Id. c. 21. in part.
2 Ann. (I.)
5, 6 Ann. c. 27. in part.
9 Ann. c. 6. in part.
9 Ann. c. 15.
10 Ann. c. 6.
1 G. 2. (I.) in part.
8 G. 2. c. 12. in part.
9 G. 2. (I.)
24 G. 2. c. 31. in part.
26 G. 3. (I.)
38 G. 3. c. 89.
43 G. 3. c. 69.

No. XVIII. 5 Geo. IV. c. 47.

tituled "An Act to repeal the Duties of Excise payable in *Great Britain*, "and to grant other Duties in lieu thereof," as relates to the quart, gallon, and barrel of beer or ale; and all the said recited statutes or ordinances and Acts, and parts of statutes and Acts, so far as the same or any of them relate to the ascertaining or establishing any standards of weights and measures or to the establishing or recognizing certain differences between weights and measures of the same denomination, but no farther or otherwise, shall, from and after the said first day of *May* one thousand eight hundred and twenty-five, be and the same are hereby repealed; save and except only so far as any such statutes or Acts, or any part thereof, repeal any other statutes or Acts, or any part thereof, which relate to the ascertaining or establishing any standard of weights and measures, or to the establishing or recognizing certain differences between weights and measures of the same denomination; all which statutes and Acts, or any parts thereof so repealed, shall be and remain repealed to all intents and purposes whatever.

Act not to extend to repeal 31 G. 2. c. 17. which empowers the Dean and High Steward of Westminster, &c., to appoint a proper Officer to size and seal Weights and Measures.

XXIV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to repeal the herein-before recited Act made in the Parliament of *Great Britain*, in the thirty-first year of the reign of King *George* the Second, nor in any manner to affect or alter the power given by the said recited Act to the dean, high steward, or his deputy, and the burgesses of the city of *Westminster*, to appoint a proper officer to size and seal all weights and measures used by persons dealing by weight and measure in the said city of *Westminster* and the liberties thereof, but that all the powers given and reserved to the said dean, high steward, or his deputy, and burgesses, by the said recited Act, shall and may be exercised in the appointing of a proper officer to size and seal all such weights and measures as shall, from the passing of this Act, be lawful and be used by persons dealing by weight and measure within the said city and liberties of *Westminster*, and shall and may be used and exercised by any officer so appointed, in the same manner in all respects as is directed by the said recited Act with relation to the weights and measures in the said recited Act mentioned.

Tuns, Pipes, or other Vessels of Wine, Oil, Honey, and other gaugeable Liquors imported into London shall be liable to be gauged as heretofore by the Lord Mayor or his Deputies; but the Contents shall be ascertained by the Standard Measure directed by this Act.

XXV. Provided always, and be it further enacted, That from and after the passing of this Act, all tuns, pipes, tertians, hogsheads, or other vessels of wine, oil, honey, and other gaugeable liquors, imported or brought into the port of the city of *London*, and landed within the said city and the liberties thereof, shall be subject and liable to be gauged, as heretofore hath been of right accustomed, by the lord mayor of the said city for the time being, by virtue of his office of gauger, or by his sufficient deputies, lawfully appointed, save and except that the contents of all such tuns, pipes, tertians, hogsheads, and other vessels, shall and may be ascertained by the standard measure of capacity for liquids directed by this Act, and the multiples thereof; and that all such tuns, pipes, tertians, hogsheads, or other vessels that shall be found wanting of the true contents which such tuns, pipes, tertians, hogsheads, or other vessels ought to be of, to be ascertained as aforesaid, together with the wine and other liquids therein contained, shall be subject and liable to the like seizures and forfeitures as is or are provided by any Act or Acts of Parliament heretofore made for ascertaining the true contents of tuns, pipes, tertians, hogsheads, and other vessels of wine, oil, honey, and other gaugeable liquors; and that the moieties of such forfeitures due to his Majesty, his heirs and successors, shall be, in like manner as heretofore hath been accustomed, accounted for by the lord mayor for the time being, as such gauger, and his deputies, to his Majesty, his heirs and successors, in his and their Court of Exchequer at *Westminster*.

Act not to affect the Privileges of the City of London as to the Office of Gauger of Wines, &c.

XXVI. Provided also, That this Act or any thing herein contained shall not extend to prohibit, defeat, injure, or lessen the right of the mayor and commonalty and citizens of the city of *London*, or of the lord mayor of the said city for the time being, of, in, to, or concerning the office of gauger of wines, oils, honey, and other gaugeable liquors imported and landed within the city of *London* and the liberties thereof.

[No. XIX.] 6 George. IV. c. 12.—An Act to prolong the Time of the Commencement of an Act of the last Session of Parliament, for ascertaining and establishing Uniformity of Weights and Measures, and to amend the said Act.—[31*st* *March* 1825.]

No. XIX. 6 Geo. IV. c. 12. 5 G. 4. c. 74.

WHEREAS an Act was passed in the last session of Parliament, intituled *An Act for ascertaining and establishing Uniformity of Weights and Measures;* and the operation of certain clauses and provisions in the said Act contained is by the said Act directed to take place from and after the first day of *May* one thousand eight hundred and twenty-five, and the operation of certain other clauses in the said Act contained is by the said Act directed to take place within three calendar months, or within six calendar months respectively next after the passing of the said Act; and it is by the said Act, among other things, enacted, that the several statutes, ordinances, and Acts, and parts of the several statutes, ordinances, and Acts, in the said recited Act mentioned and specified, so far as the same relate to the ascertaining or establishing any standards of weights and measures, or to the establishing or recognizing certain differences between weights and measures of the same denomination, shall, from and after the first day of *May* one thousand eight hundred and twenty-five, be repealed: And whereas it hath been found that further time is necessarily required before the said Act can be conveniently carried into effect: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That the several clauses in the said Act contained, the operation whereof is by the said Act directed and appointed to commence and take effect from and after the first day of *May* one thousand eight hundred and twenty-five, shall commence and take effect on the first day of *January* one thousand eight hundred and twenty-six, and not sooner; and that such matters and things as by the said Act are required to be done within three calendar months or within six calendar months respectively next after the passing of the said Act, shall and may be lawfully done at any time before the expiration of three calendar months or six calendar months respectively after the first day of *May* one thousand eight hundred and twenty-five; and that the several statutes, ordinances, and Acts, and parts of statutes, ordinances, and Acts, which by the said recited Act are repealed from and after the first day of *May* one thousand eight hundred and twenty-five, shall remain and continue in force until the said first day of *January* one thousand eight hundred and twenty-six, and no longer, and shall, from and after the said first day of *January* one thousand eight hundred and twenty-six, be repealed to all intents and purposes, as if the said first day of *January* one thousand eight hundred and twenty-six had been mentioned and specified in the said recited Act, instead of the said first day of *May* one thousand eight hundred and twenty-five; the said recited Act, or any clause, matter, or thing in the same contained, to the contrary in anywise notwithstanding,

Recited Act not to take effect before Jan. 1, 1826.

II. And whereas by the above recited Act the figure of the standard bushel measure directed to be used for the sale of coals, culm, fish, potatoes, and fruit, is fixed and determined: And whereas it is expedient that the figure of all other measures used for the sale of coals, and all other goods and things commonly sold by heaped measure, should also be fixed and determined; be it therefore enacted, That from and after the first day of *January* one thousand eight hundred and twenty-six, all such measures shall be made cylindrical, and the diameter of such measures shall be at the least double the depth thereof, and the height of the cone or heap shall be equal to three-fourths of the depth of the said measure, the outside of the measure being the extremity or base of such cone.

Fixing the Figure of all Measures.

Part VI.—Class XL.

WOOD.

[No. I.] 13 Edward I. st. 1. c. 46.—Lords may approve against their Neighbours. Usurpation of Commons during the Estate of particular Tenants.

[Inserted ante. Pt. II. Cl. II. No. 2.]

[No. II.] 3 and 4 Edward VI. c. 3.—An Act concerning the Improvement of Commons and waste Grounds.

[Inserted ante. Pt. II. Cl. II. No. 3.]

[No. III.] 43 Elizabeth, c. 7.—An Act to avoid and prevent divers Misdemeanors in lewd and idle Persons.

No. III. 43 Eliz. c. 7.

Punishment for cutting of Corn growing or of such other small Offences; and of a Constable refusing to punish such an offender, being commanded.

'FORASMUCH as unlawful cutting or taking away of corn and grain 'growing, robbing of orchards and gardens, digging up or taking away 'fruit-trees, breaking of hedges, pales, or other fences, cutting or spoiling 'of woods or underwoods standing and growing, and such like offences, 'are now more commonly committed by lewd and mean persons than 'in former times; and that the said offences are great causes of the 'maintaining of idleness, and the persons which commit the same are 'not for the most part able, nor have wherewith to make recompence 'or satisfaction:' Be it therefore enacted by the authority of this present Parliament, That all and every such lewd person and persons, which from and after the last day of *February* now next following, shall cut or unlawfully take away any corn or grain growing, or rob any orchards or gardens, or break or cut any hedge, pales, rails or fence, or dig, pull up, or take up any fruit-tree or trees in any orchard, garden, or elsewhere, to the intent to take and carry the same away, or shall cut or spoil any woods or underwoods, poles or trees standing, not being felony by the laws of the realm; and their procurer and procurers, receiver or receivers, knowing the same; being thereof lawfully convicted by the confession of the party, or by the testimony of one sufficient witness upon oath before some one justice of the peace, mayor, bailiff, or other head officers of the county, city, or town corporate; which said justice or other head officer shall have power, by force of this statute, to minister the said oath, where the offence shall be committed, or the party offending apprehended; shall give the party and parties such recompence and satisfaction for his and their damages, and within such time, as by any one such justice of peace of the said county where such offence shall be done, without the liberty

No. III. 43 Eliz. c. 7.

of any city or town corporate, or by such head officer or justice of peace within any city or town corporate, shall be ordered and appointed, and the same to be only for the first fault: And if such offender or offenders shall be thought in the discretion of the said justice or justices, or other head officers, not able or sufficient, or do not make recompence or satisfaction for the said damages, in manner and form aforesaid; then the said justice or head officer shall commit all and every the said offender or offenders to some constable or constables, or other inferior officers of the city, borough, town, or hamlet, where the offence shall be committed, or the party apprehended, to be whipped; and for every such offence, for or of which the offender or offenders shall be eftsoons committed in form afore limited, the person and persons so offending to receive the said punishment of whipping.

The punishment of a constable refusing to punish an offender.

II. And be it enacted by the authority aforesaid, That if any constable or inferior officer do refuse, or do not at the commandment of any justice of peace, or other head officer, execute by himself, or some other to be by him appointed, upon the offender, the punishment limited by this statute; That in that case it shall and may be lawful for the said justice of peace to commit the said constable or other inferior officer so refusing, or not executing the said punishment by himself, or some other, to the common gaol of the said county, city, or town corporate, there to remain without bail or mainprize, until the said offender or offenders be by the said constable or constables so refusing or not executing, or some other by his or their procurement, punished and whipped as is above limited and declared.

None shall punish an offence done unto himself.

III. Provided always, That no justice of peace, or other head officer, do execute this statute for any of the offences aforesaid done unto himself, unless he be associated and assisted with one or more other justices of peace whom the offence doth not concern.

[No. IV.] 15 Charles II. c. 2.—An Act for the Punishment of unlawful cutting or stealing, or spoiling of Wood and Underwood, and Destroyers of young Timber Trees.

No. IV. 15 Cha. II. c. 2.

43 Eliz. c. 7.

The punishment for cutting and spoiling any woods.

'WHEREAS in one Act of Parliament made in the three and fortieth year of the reign of the late Queen *Elizabeth*, intituled, *An Act to avoid and prevent divers Misdemeanors in idle and lewd Persons*, among other things, it is enacted, That all and every such lewd person and persons that shall cut or spoil any woods or underwoods, poles or trees standing, and their procurer or procurers, receiver or receivers, knowing the same, and being thereof lawfully convicted by his or their own confession, or by the testimony of one sufficient witness upon oath, before some one justice of peace, or other head officer of the county or place where such offence was committed, shall give the party or parties satisfaction for his or their damages for the first fault: And if such offender or offenders shall by such justice of peace or head officer be thought not able or sufficient; or if such offender or offenders do not make such satisfaction as aforesaid, that then the said justice of peace or head officer shall commit the said offender or offenders to the constable or other inferior officer, to receive the punishment of whipping, as in the said Act more fully doth appear.

II. 'And whereas it is found by daily experience, especially in and about *London* and other great towns, where a great number of such idle and lewd persons do shelter themselves, that this Act hath not sufficiently prevented the said mischief of cutting and spoiling of woods and underwoods, as was intended, as, well because the said offences are committed in such a close and clandestine manner, that there is none witness to them, but such as are partakers to the offence; and also because the said punishment is too small for so great a fault, which is not only prejudicial and hurtful to the owners of the said woods, but very mischievous and damageable to the commonwealth;' Be it therefore enacted by the King's most excellent Majesty, by and with the advice and

No. IV. 15 Cha. II. c. 2.

consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the four and twentieth day of *June* next ensuing, every constable, headborough, or any other person, in every county, city, town corporate, or other place where they shall be officers or inhabitants, shall and may by virtue of this present Act, have full power and authority to apprehend, or cause to be apprehended, all and every person or persons they shall suspect, having or carrying, or any ways conveying, any burthen or bundles of any kind of wood, underwood, poles, or young trees, or bark or bast of any trees, or any gates, stiles, posts, pales, rails, or hedgewood, broom or furze; and by warrant under the hand and seal of any one justice of the peace directed to any officer, such officer shall have power to enter into and search the houses, outhouses, yards, gardens, or other places belonging to the houses of all and every person or persons they shall suspect to have any kind of wood, underwoods, poles, or young trees, or bark or bast of any trees, or any gates, stiles, posts, pales, rails, or hedgwood, broom or furze; and wheresoever they find any such, to apprehend and cause to be apprehended all and every person and persons suspected for the cutting and taking of the same, and them and every of them, as well those apprehended carrying or any ways conveying any kind of wood, underwood, poles, or young trees, or bark or bast of any trees, or any gates, stiles, posts, pales, rails or hedgwood, broom or furze; as also those in whose houses, or other places belonging to them, any such wood, underwood, poles or young trees, or bark or bast of any trees, or any gates, stiles, posts, pales, rails, or hedgewood, broom or furze, shall be found, to carry before one justice of the peace of the same county, city or town corporate: And if the said person and persons so suspected, apprehended and carried before the said justices, do not then and there give a good account how he and they came by such wood or underwood, poles or young trees, or bark or bast of any trees, or gates, stiles, posts, pales, rails or hedgewood, broom or furze, by the consent of the owner, such as shall satisfy the said justice, or else shall not within some convenient time, to be set them by the said justice, produce the party or parties of whom they bought the same wood, underwood, poles or young trees, or bark or bast of trees, gates, stiles, posts, pales, rails or hedgewood, broom or furze, or some other credible witness to depose upon oath such sale of the said wood, underwood, poles or young trees, or bark or bast of trees, gates, stiles, posts, pales, rails, or hedgewood, broom or furze (which oath the said justice hath hereby power to administer): That then the said person or persons so suspected, and not giving such good account, nor producing any such witness upon oath to testify the said sale as aforesaid, shall be deemed and adjudged as convicted of the said offence of cutting and spoiling of the same woods, underwoods, poles, or young trees, or bark or bast of trees, gates, stiles, posts, pales, rails, or hedgewood, broom or furze, within the meaning of the said statute of Queen *Elizabeth*, and shall be liable to the punishment therein contained, and to such other proceedings and punishments as by this present Act shall be further constituted and appointed on that behalf (1).

Who may apprehend wood-stealers.

Search in houses of suspected persons.

Punishment for the first offence.

III. And be it therefore enacted by the authority aforesaid, That all and every person or persons convicted of the said offence in manner and form before in this Act mentioned, shall for the first offence give the owner or owners such recompence or satisfaction for his or their damages, and within such time, as the said justice shall appoint, and over and above pay down presently unto the overseers for the use of the poor of the parish, where the said offence or offences were committed, such sum of money (not exceeding ten shillings) as the said justices shall think meet; and if such offender or offenders do not make recompence or satisfaction

(1) In an action of trespass and false imprisonment, the question of probable cause for the apprehension of one of the plaintiffs by the defendants for wood stealing under this section, cannot be left to the jury, although the judge intimate it as his opinion, that the defendants were justified in such apprehension. *Hill v.* Yates; 2 Moore, 80.

No. IV. 15 Cha. II. c. 2.

to the said owner or owners, and also pay the said sum to the poor in manner and form aforesaid, then the said justice shall commit the said offender or offenders to the house of correction, for such time as the said justice shall think fit, not exceeding one month, or to be whipped by the constable or other officer, as in his judgment shall seem expedient: And if such person or persons shall again commit the said offence, and be thereof convicted as before, that then they and every of them so offending the second time and thereof so convicted, shall be sent to the house of correction for one month, and be there kept to hard labour: And if such person or persons shall again commit the said offence, and be thereof convicted as before, that then they and every of them, so offending the third time and thereof so convicted, shall be taken, adjudged, and deemed as incorrigible rogues.

The second offence.

IV. Provided always, and it is further enacted by the authority aforesaid, That whosoever shall buy any burthens of wood, or any poles or sticks of wood, or any other the premises particularly mentioned in this bill, which may be justly suspected to have been stolen or unlawfully come by, That it shall and may be lawful to and for the said justices of the peace, mayors, bailiffs and head officers or any one of them, within their respective jurisdictions, upon complaint to them thereof made, to examine the said matter upon oath, which they and every of them respectively are hereby authorized to administer: And if they shall find that the same was bought of a person who might justly be suspected to have stolen or unlawfully come by the same, and that the same was stolen or unlawfully come by; that in such case the said justices of peace, mayors, bailiffs, or other head officers, or any one of them respectively, shall and may award the party who bought the same to pay treble the value of the same to the party from whom the same was stolen or unlawfully taken; and in default of present payment thereof, to issue forth their respective warrants to levy the same by distress and sale of the offenders goods, rendering the overplus to the party; and in default of such distress, to commit the party to the gaol at his own charge, there to remain one month without bail.

Buyers of stolen wood, how to be dealt withal.

V. Provided always, That no person or person shall be questioned for any offence upon this law that hath been punished for the same offence by any former law, nor shall be punished by this law unless he be questioned within six weeks after the offence committed.

Within what time offenders must be questioned within this Act.

[No. V.] 1 George I. st. 2. c. 48.—An Act to encourage the planting of Timber Trees, Fruit Trees, and other Trees, for Ornament, Shelter, or Profit; and for the better Preservation of the same; and for the preventing the Burning of Woods.

No. V. 1 Geo. I. st. 2. c. 48.

'WHEREAS the raising and planting of timber-trees, fruit-trees and other trees is of very great profit and advantage to the kingdom of *Great Britain:* And whereas divers lewd and disorderly persons, and others, have riotously, and sometimes in a clandestine and malicious manner, broke down, cut up, or otherwise destroyed such timber-trees, fruit-trees, and other trees, to the great discouragement of the planters and owners thereof, and the parties whose trees are so destroyed are remediless, for lack of knowing the parties so offending:' Therefore for the better encouraging of persons to raise, plant and preserve timber-trees, fruit-trees, and other trees, in fields, hedgerows, gardens and walks, and elsewhere, either for ornament, shelter, or profit, and for the preventing the malicious destroying or spoiling the same, and to give remedy to such persons for making them satisfaction for all damages to be occasioned by such breaking down, cutting up, spoiling, or otherwise destroying such trees the same: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That if any person or persons whatsoever, from and after

This Act is explained and amended by 6 Geo. 1. c. 16.

Timber trees, &c. malicious-

No. V.
1 George I. st. 2. c. 48.

the twenty-fourth day of *June* in the year of our Lord one thousand seven hundred and sixteen, shall maliciously break down, cut up, pluck up, throw down, bark, or otherwise destroy, deface, or spoil any timber-tree or trees, fruit-tree or trees, or any other tree or trees, the person or persons, body politick or corporate, that is, are, shall or may be damaged by the same, shall receive such satisfaction and recompence, of and from the inhabitants of the parish, town, hamlet, vill or place, where such tree or trees shall be so maliciously broke down, cut up, pluckt up, thrown down, barked, destroyed, defaced, or spoiled, and to be viewed, and damages and costs to be recoverable and recovered against such parish, town, hamlet, vill, or place, by the person or persons, whose tree or trees shall be so maliciously broke down, cut up, pluckt up, thrown down, barked, destroyed, defaced or spoiled, in the same manner and form as hedges and dikes overthrown by persons in the night, in and by an Act of Parliament made in the thirteenth year of the reign of King *Edward* the First, intituled, *Lords may approve against their Neighbours; Usurpations of Commons during the Estate of particular Tenants;* are to be levied, and damages yielded; and where such offence or offences shall be committed in that part of *Great Britain* called *Scotland*, to be recoverable and recovered by way of summary action, and in the same manner and form as damages in other cases of riot are to be recovered by the laws there, unless the party or parties so offending shall by such parish, town, hamlet, vill, or place, be convicted of such offence, within the space of six months from the committing such offence or offences; any law or construction to the contrary in any wise notwithstanding.

ly broken down, &c. the parish, &c. shall make good the damage to the owner.

How the damages shall be recovered in England.

How in Scotland.

II. And be it further enacted and declared by the authority aforesaid, That it shall and may be lawful to and for any two or more justices of the peace of the county, riding, division, stewartry, regality, city, town, borough, or corporation, wherein any such offence or offences shall be committed, or the justices in open sessions, upon complaint to them made by an inhabitant of the aforesaid parish, hamlet, vill or place, or of the owner of such tree or trees, or of any other, to cause such offender or offenders to be apprehended for the trespasses and offences aforesaid, or any of them, and to hear and finally determine and adjudge all and every the offence and offences aforesaid; and if such justices shall convict any person or persons of all or any the trespasses or offences aforesaid, then such justices, immediately after such conviction, shall commit such offender and offenders to the house of correction, there to continue and be kept to hard labour for the space of three months, without bail or mainprize; and where there are no houses of correction in any county, riding, division, stewartry, regality, city, town or borough where such offender or offenders shall be convicted, the said justices shall commit such offender or offenders to such prison as is appointed for other criminals, there to continue for the space of four months; and shall also order and adjudge that such offender and offenders shall be publickly whipt by the master of such house of correction, once every month, during such three months, in such borough or corporation, if the offence be committed therein, and not otherwise; or in the market town where such house of correction stands, or in the next market town next adjacent to such house of correction, and in the county where such offence shall be committed, on the market day of such town, between the hours of eleven and two of the clock; and in such places where there is no house of correction, the said justices shall order and adjudge that such offender or offenders shall be publickly whipt by the hand of the common hangman or executioner once every month, during such four months, on the market day of any borough or corporation where such offender shall be committed, or on the market-day of some town, between the hours of eleven and two of the clock.

Two justices or quarter sessions finally to determine the offences.

Offenders convicted to be sent to the house of correction for three months, or the gaol for 4 months, and to be whipped;

III. And it is hereby further enacted, That before any such offender or offenders shall be discharged, he, she, and they shall find sufficient sureties for his, her, or their good behaviour for the space of two years thence next ensuing; any law, custom, or construction to the contrary notwithstanding.

And find sureties for good behaviour for two years.

IV. 'And whereas divers woods, underwoods and coppices have been 'heretofore, and lately set on fire, or burnt, to the great discouragement

Setting any wood, &c. on fire, felony.

No. V.
1 George I. st. 2. c. 48.

'of planting:' Be it therefore enacted and declared by the authority aforesaid, That if any person or persons shall, from and after the said twenty-fourth day of *June*, one thousand seven hundred and sixteen, maliciously set on fire, or burn, or cause to be burnt, any wood, underwood, or coppice, or any part thereof, such malicious setting on fire, burning, or causing to be burnt, shall be and is hereby declared and made felony, and the offender or offenders shall suffer, and be liable to all the penalties and forfeitures, as other felons by the law now are; and where such offences are committed in that part of *Great Britain* called *Scotland*, such offender and offenders shall suffer and be liable as wilful fire-raisers, according to an Act passed in the seventh year of her late Majesty Queen *Anne*, intituled *An Act for improving the Union of the two Kingdoms;* any thing in this Act contained, or in any other law or statute to the contrary in any wise notwithstanding.

Offenders in Scotland to be punished as wilful fire-raisers by the Act 7 Ann, c. 21.

[No. VI.] 6 George I. c. 16.—An Act to explain and amend an Act passed in the first Year of his Majesty's Reign, intituled, *An Act to encourage the planting of Timber-Trees, Fruit-Trees, and other Trees, for Ornament, Shelter, or Profit, and for the better Preservation of the same, and for the preventing the burning of Woods;* and for the better Preservation of the Fences of such Woods.

No. VI.
6 George I. c. 16

'WHEREAS divers lewd, lawless, turbulent and disorderly persons and others, some times in an open, riotous and tumultuous manner, and at other times in a clandestine, malicious and private manner, do (without the consent of the owners) enter the woods, wood-grounds, coppices, plantations, parks and chases of divers lords of manors, and other owners and proprietors thereof, and make great havock and destruction, by cutting down, breaking, throwing down, barking, plucking up, defacing, spoiling, taking or carrying away, the wood or springs of wood, poles, woods, tops of trees, fruit-trees, thorns, quicksets and underwoods, there growing or being, and also by breaking open, throwing down, levelling or destroying the hedges, gates, posts, stiles, railing, fences, ditches, banks, walls, or other inclosures of such woods, wood-grounds, parks, chases or coppices, and the offenders therein, being not discovered, pass with impunity, to the great discouragement of all owners, planters, and preservers of wood, and to the great wrong and injury of such lords of manors, and other owners and proprietors of such woods, wood-grounds, parks, chases, coppices, plantations, timber-trees, fruit-trees, or other trees, thorns, or quicksets: And whereas some doubts have arisen whether the offences committed in the day-time, mentioned in an Act passed in the first year of his Majesty's reign, intituled, *An Act to encourage the planting of Timber-Trees, Fruit-Trees, and other Trees, for Ornament, Shelter, or Profit, and for the better Preservation of the same, and for the preventing the burning of Woods*, are punishable by the said Act: And whereas there is no provision made in the said Act for punishing the offences committed by persons who shall break open, throw down, level or destroy the hedges, gates, posts, stiles, railing, fences, ditches, banks, walls, or other inclosures of such woods, wood-grounds, plantations and coppices:' Therefore for the explaining and amending the said Act, and for remedying the several mischiefs herein before mentioned, and for the better preserving of all such wood-springs or springs of wood, poles, quick-woods, plantations, underwoods, coppice-woods, gates, posts, stiles, railing, fences, hedges, walls, and other inclosures of woods, from being unlawfully cut, taken, spoiled, broken, burnt, destroyed, defaced or carried away; and for the better discovering and more effectual punishment of such offenders therein, their aiders and abettors; and for the providing satisfaction for the damages the respective proprietors thereof shall sustain thereby; Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and

1 Geo. 1. st. 2. c. 48.

No. VI.
6 George I. c. 16.

by the authority of the same, That if any person or persons whatsoever, from and after the twenty-fourth day of *June* which shall be in the year of our Lord one thousand seven hundred and twenty, shall, either by day or by night, cut, take, destroy, break, throw down, bark, pluck up, burn, deface, spoil or carry away any wood-springs or springs of wood, trees, poles, wood, tops of trees, under-woods or coppice-woods, thorns or quick-sets, without the consent of the owner or owners of such woods, wood-grounds, parks, chases or coppices, plantations, timber-trees, fruit-trees, or other trees, thorns or quicksets, or of the person chiefly intrusted with the care and custody thereof, or shall break open, throw down, level or destroy any hedges, gates, posts, stiles, railing, walls, fences, dikes, ditches, banks or other inclosures of such woods, wood-grounds, parks, chases or coppices, plantations, timber-trees, fruit-trees, or other trees, thorns or quick-sets, such lords of manors, owners and proprietors of the same, that is, are, shall or may be damaged thereby, shall have such remedy, and have and receive such satisfaction and recompence of and from the inhabitants of the parishes, towns, hamlets, villages or places adjoining on such wood-springs or springs of wood, wood-grounds, parks, chases or coppices, and recover such damages against the parish, town, hamlet, vill or place, parishes, towns, hamlets, villages or places aforesaid, and in the same manner and form as for dikes and hedges overthrown by persons in the night, or at another season when they suppose not to be espied; as in and by an Act of Parliament made in the thirteenth year of the reign of King *Edward* the First, intituled, *Lords may approve against their Neighbours; Usurpation of Commons during the Estate of particular Tenants;* is set forth and provided; unless the party or parties so offending shall, by such parish, town, hamlet, vill or place, parishes, towns, hamlets, villages or places, be convicted of such offence within the space of six months from the committing such offence or offences (1); any law or construction to the contrary in anywise notwithstanding.

Owners of trees, hedges, &c. cut down, spoiled, &c. either by day or by night, shall have satisfaction from the inhabitants of the place in the same manner as for dikes, &c. overthrown in the night, is provided by 13 Ed. 1. st. 1. c. 46.

Unless the offender be convicted in six months.

II. And be it further enacted and declared by the authority aforesaid, That if any person or persons, at any time or times from and after the said twenty-fourth day of *June*, in a riotous, open, tumultuous, or in a secret and clandestine manner, forcibly or wrongfully and maliciously, and without the consent of the proprietor, wood-reeve, wood-keeper or person chiefly intrusted with the care, oversight and custody of such woods, wood-grounds, parks, chases, coppices or plantations, shall cut down, destroy, break, bark, throw down, burn, take, deface, spoil or carry away any wood or springs of wood, under-wood or coppice-wood, or shall in such a riotous, forcible, tumultuous, secret or clandestine manner as aforesaid, maliciously break open, throw down, level or destroy any hedges, gates, posts, stiles, rails, fences, ditches, banks or inclosures of such woods, wood-grounds, coppices, plantations, timber-trees, fruit-trees, or other trees, thorns or quicksets, that then it shall and may be lawful to and for any two or more justices of the peace of the county, riding, division, city, town, borough or corporation, wherein any such offence or offences shall be committed, or for the justices in open sessions, upon complaint to them made by any inhabitant of the aforesaid parish, hamlet, vill or place, or of the owner of such tree or trees, woods, wood-grounds, parks, chases, coppices, or plantations, or of any other, to cause such offender or offenders to be apprehended for the trespasses and offences aforesaid, or any of them, and to hear and finally determine and adjudge all and every the offence and offences aforesaid: And if such justices shall convict any person or persons of all or any the offence and offences aforesaid, then such justices, immediately after such conviction, shall and are hereby required to inflict all and the same penalties, as in the Act 1 Geo. 1. st. 2. c. 48.

Two justices of peace of the place, or the sessions to hear complaints and finally determine all offences against this Act.

And if they convict any person, shall inflict the same penalties, as in the Act 1 Geo. 1. st. 2. c. 48.

(1) An action on the case lies upon this section, by the party grieved, to recover damages against the inhabitants of the adjoining township, for trees, coppice, and underwood, unlawfully and feloniously burnt by persons unknown; though the clause directs the party grieved to recover the damages in the same manner and form as given by the stat. 13 Ed. 1. st. 1. c. 46, "for dikes and hedges overthrown by persons in the night;" upon which the usual course of proceeding has been by the writ of noctanter, Thornhill v. Township of Huddersfield; 11 C. R. 349.

No. VI. 6 George I. c. 16.

every the same penalties and punishments in the said Act of the first year of his Majesty's reign herein before mentioned, as fully and largely, and in the same manner, for all and every the crimes and offences herein before expressed, although not contained in the said Act, as if the same were here again repeated and re-enacted.

Persons sued may plead the general issue, and shall recover treble costs.

III. Provided always, and be it enacted by the authority aforesaid, That in case any action or actions, suit or suits, shall at any time hereafter be brought, commenced or prosecuted against any person or persons for any cause, matter or thing done in pursuance of this Act or the before recited Acts, that the defendant or defendants in such suit or suits shall and may plead the general issue, and thereupon give the special matter of his defence in evidence; and in case a verdict passes therein for such defendant or defendants, or the plaintiff becomes nonsuit, or discontinues his action, the defendant or defendants in such case shall have and recover treble costs; (1) any law or custom to the contrary thereof in anywise notwithstanding.

[No. VII.] 29 George II. c. 36.—An Act for inclosing by the mutual Consent of the Lords and Tenants Part of any Common for the Purpose of planting and preserving Trees fit for Timber or Underwood; and for more effectually preventing the unlawful Destruction of Trees.

[Inserted ante Pt. II. Cl. II. No. 4.]

[No. VIII.] 31 George II. c. 41.—An Act to amend and render more effectual an Act passed in the twenty-ninth Year of his present Majesty's Reign, intituled *An Act for inclosing, by the mutual Consent of the Lords and Tenants, Part of any Common, for the Purpose of planting and preserving Trees fit for Timber or Underwood; and for more effectually preventing the Unlawful Destruction of Trees.*

[Inserted ante Pt. II. Cl. III. No. 5.]

P.

[No. IX.] 4 George III. c. 31.—An Act to indemnify such Persons as have omitted to qualify themselves for Offices and Employments; * * * * * * * * * * * *

and to prevent the Destruction of Trees and Underwoods growing in Forests and Chases.

No. IX. 4 Geo. III. c. 31.

VI. 'AND whereas the laws in being are found to be ineffectual for 'preventing the destruction of timber trees and other trees, un- 'derwood and covert, growing upon the forests and chases within this 'kingdom;' Be it further enacted by the authority aforesaid, That from and after the passing of this Act, it shall and may be lawful for every surveyor of his Majesty's woods, and his lawful deputy, and also for the officers and keepers of any forest or chase, to seize and take away, for his own

---

(1) In following up a writ of execution to its consummation under this statute, which the subsequent statute of the 19 Geo. 2. c. 34, refers to and adopts as the mode of proceeding in case of penalty recovered by the executor of a revenue officer, killed in the pursuit of smugglers, against the inhabitants of the hundred, (or of a lath in Kent,) it is sufficient for the sheriff to whom the writ had been delivered to return, even after the expiration of 60 days given him by the Act to return the writ, that he had delivered it to the justices of the peace of the hundred, &c. (who are charged with directing the levy on the inhabitants,) and that they had done nothing upon it; and the court will not thereupon attach the sheriff for not returning the writ, but the next proceeding is against the magistrates to oblige them to do their duty. Wright v. St. Augustine's Lath (Kent) 18 E. R. 544.

No. IX. 4 Geo. III. c. 31.

use, any saw, axe, hatchet, bill-hook, or other instrument, used by any person or persons whom they shall find unlawfully stocking up, sawing, cutting down, topping, lopping or destroying any timber tree, or other tree, underwood or covert, within such forest or chase.

[No. X.] 6 George III. c. 36.—An Act for encouraging the Cultivation, and for the better Preservation of Trees, Roots, Plants, and Shrubs.

No. X. 6 Geo. III. c. 36.

'WHEREAS divers persons have, of late years, wilfully and maliciously cut down, barked, or otherwise destroyed, timber trees, standing for, and likely to become timber, growing as well in the several forests, chases, and other open grounds, as is in the woods, and plantations, and inclosed grounds, within this kingdom; to the great detriment of the owners of such trees, and to the discouragement of planting in general, so beneficial to *Great Britain:* And whereas the disposition of nursery men to improvements in planting and gardening, through *Great Britain*, is also of great use to the public; and many nursery men, gardeners, and others, have collected and cultivated, at great expence, roots, shrubs, and plants, of every country, and imported, cultivated, and exported, great quantities thereof, and do thereby support themselves and many others of his Majesty's subjects: And whereas many evil disposed persons, well knowing the value of such roots, shrubs, and plants, have of late years, frequently entered into nurseries, gardens, and other inclosed grounds in general, and of the nursery men and gardeners in particular, and have dug up, taken, or carried away, out of such nurseries, gardens, and grounds, roots, shrubs, and plants, and likewise destroyed others on the spot, to a very considerable value:' Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the second day of *June*, one thousand seven hundred and sixty-six, all and every person and persons who shall in the night time, lop, top, cut down, break, throw down, bark, burn, or otherwise spoil or destroy, or carry away, any oak, beech, ash, elm, fir, chesnut, or asp, timber tree, or other tree or trees standing for timber, or likely to become timber, without the consent of the owner or owners thereof first had and obtained; or shall, in the night time, pluck up, dig up, break, spoil, or destroy, or carry away, any root, shrub, or plant, roots, shrubs, or plants, of the value of five shillings (1), and which shall be growing, standing, or being, in the garden ground, nursery ground, or other inclosed ground, of any person or persons whomsoever, shall be deemed and construed to be guilty of felony; and every such person or persons shall be subject and liable to the like pains and penalties as in cases of felony; and the court, by and before whom such person or persons shall be tried, shall, and hereby have authority to transport such person or persons, for the space of seven years, to any of his Majesty's plantations in *America*, in like manner as other felons are directed to be transported by the laws and statutes of this realm: And all and every person and persons who shall be wilfully aiding, abetting, or assisting, in such cutting down, breaking, throwing down, barking, burning, or otherwise spoiling or destroying, or carrying away, any such oak, beech, ash, elm, fir, chesnut, or asp, timber tree, or other tree or trees standing for timber, or

Penalty on cutting down, &c. in the night-time, any timber trees, or roots, &c. in inclosed ground, &c.

(1) Ruled that this Act is not repealed by stat. 6. Geo. III. c. 48. (the next number) which imposes pecuniary penalties upon taking roots, shrubs, and plants, generally; but that if the value is above five shillings, and the taking in the night-time, it is a felony within this Act; (both acts being of the same session, and the arrangement of the chapters depending upon the clerk; but admitted, that if the Acts had been made in different sessions, the latter would have been a virtual repeal of the former); case of Hitchcocke v. Howe, 2 E. P. C. 588. 2 Leach, 541.—Q. If a different construction would not be applied to Acts passed since 33 Geo. III. c. 33. which provided that the day of receiving the Royal Assent shall be indorsed on the act, and be deemed the day of its commencement.

No. X. 6 Geo. III. c. 36.

likely to become timber, as aforesaid; or in such plucking up, digging up, cutting, breaking, spoiling, or destroying, or carrying away, such root, shrub, or plant, roots, shrubs, or plants, as aforesaid, of the value aforesaid; or who shall buy or receive such root, shrub, or plant, roots, shrubs, or plants, of the value aforesaid, knowing the same to be stolen; shall be subject and liable to the same punishment, as if he, she, or they had stolen the same; any law to the contrary in anywise notwithstanding.

[No. XI.] 6 George III. c. 48.—An Act for the better Preservation of Timber Trees, and of Woods and Underwoods; and for the further Preservation of Roots, Shrubs, and Plants.

No. XI. 6 Geo. III. c. 48.

'WHEREAS the preservation of timber trees, or trees likely to become timber, is of great consequence to this kingdom:' May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the twenty-fourth day of *June*, one thousand seven hundred and sixty-six, every person who shall wilfully cut or break down, bark, burn, pluck up, lop, top, crop, or otherwise deface, damage, spoil, or destroy, or carry away, any timber tree or trees, or trees likely to become timber, or any part thereof, or the lops or tops thereof, without the consent of the owner or owners thereof first had and obtained, or, in any of his Majesty's forests or chases, without the consent of the surveyor or surveyors, or his or their deputy or deputies, or person or persons intrusted with the care of the same, and shall be thereof convicted upon the oath of one or more credible witness or witnesses, before any one or more of his Majesty's justices of the peace, for the county, city, riding, division, district, or place, wherein such offence shall have been committed, shall, for the first offence, forfeit and pay such sum of money, not exceeding twenty pounds, as to such justice or justices shall seem meet, together with the charges previous to and attending such conviction, to be ascertained by such justice or justices who shall convict the offender; and upon non-payment thereof, such justice or justices shall commit the offender to the common gaol of the county or place where the offence shall be committed, there to remain without bail or mainprize for any time not exceeding twelve months, nor less than six months, or until the penalty and charges shall be paid; and if any person so convicted shall be guilty of the like offence a second time, and shall be thereof convicted in like manner, such person shall forfeit and pay such sum of money, not exceeding thirty pounds, as to such justice or justices shall seem meet, together with the charges previous to and attending such conviction, to be ascertained by such justice or justices who shall convict the offender; and upon non-payment thereof, such justice or justices shall commit the offender to the common gaol of the county or place where the offence shall be committed, there to remain without bail or mainprize for any time not exceeding eighteen months, nor less than twelve months, or until the penalty and charges shall be paid; and if any person so convicted shall be guilty of the like offence a third time, and shall be thereof convicted in like manner, such person shall be deemed guilty of felony, and the court, by and before whom such person shall be tried, shall and hereby hath authority to transport such person or persons, for the space of seven years, to any of his Majesty's plantations in *America*, in like manner as other felons are directed to be transported by the laws and statutes of this realm.

Persons convicted of damaging, &c., any timber trees, &c., or the lops or tops thereof, &c., forfeit, &c.

II. And be it enacted by the authority aforesaid, That all oak, beech, chesnut, walnut, ash, elm, cedar, fir, asp, lime, sycamore, and birch trees, shall be deemed and taken to be timber trees, within the true meaning and provision of this Act.

III. 'And whereas many idle and disorderly persons have of late years 'made a practice of plucking or digging up, cutting, spoiling, or destroying, and taking or carrying away, divers and sundry sorts of roots, shrubs,

No. XI. 6 Geo. III. c. 48.

'and plants (many of which are of great value) out of the fields, nurseries, 'gardens, and garden grounds, and other cultivated lands of divers of his 'Majesty's subjects:' Be it therefore enacted by the authority aforesaid, That from and after the twenty-fourth day of *June*, one thousand seven hundred and sixty-six, all and every person who shall pluck up, or cut, or destroy, or take, or carry away any root, shrub, or plant, roots, shrubs, or plants, out of the fields, nurseries, gardens, or garden grounds, or other cultivated lands, of any person or persons whomsoever, without the consent of the owner or owners thereof first had and obtained, and shall be thereof convicted upon the oath of one or more credible witness or witnesses, before any one or more justice or justices of the peace for the county, city, riding, division, district, or place, wherein such offence shall have been committed, shall, for the first offence, forfeit and pay such sum or sums of money as to such justice or justices shall seem meet, not exceeding forty shillings, together with the charges previous to and attending such conviction, to be ascertained by such justice or justices who shall convict the said offender; and if any person so convicted shall again commit the like offence, and shall be thereof convicted in manner aforesaid, such person and persons being so convicted, shall, for such second offence, forfeit and pay such sum of money as to the said justice or justices shall seem meet, not exceeding five pounds, together with the charges previous to and attending the conviction of such offender; and if any person so before convicted, shall a third time commit the like offence, and shall be thereof convicted, such person so convicted shall, for such third offence, be deemed guilty of felony, and the court, before whom such person shall be tried, shall and hereby hath authority to transport such person, for the space of seven years, to any of his Majesty's plantations in *America*, in like manner as other felons are directed to be transported by the laws and statutes of this realm.

Persons convicted of plucking up, &c., any root, &c., out of private cultivated ground, forfeit, &c.

Persons convicted of cutting, &c., any wood, &c., or who shall have any such in their custody, &c., forfeit, &c.

IV. 'And whereas many idle and disorderly persons have of late years 'made a practice of going into the woods, underwoods, and wood-grounds, 'of divers of his Majesty's subjects, and there cut, and carried away, great 'quantities of young wood, of various kinds, for making of poles and 'walking sticks, and for various other uses; and in beech, and other woods 'and underwoods, under pretence of getting firewood, have cut down, 'boughed, split off, or otherwise damaged or destroyed the growth of the 'said woods and underwoods, to the great injury and damage of the lawful 'owners thereof: And whereas the laws now in being are not found sufficient 'to remedy the aforesaid evils:' Be it therefore enacted by the authority aforesaid, That all and every person and persons who, from and after the twenty-fourth day of *June*, one thousand seven hundred and sixty-six, shall go into the woods, underwoods, or wood-grounds, of any of his Majesty's subjects, not being the lawful owner or owners thereof, and shall there cut, lop, top, or spoil, split down, or damage, or otherwise destroy, any kind of wood or underwood, poles, sticks of wood, green stubs, or young trees, or carry or convey away the same; or shall have in his, her, or their custody, any kind of wood, underwood, poles, sticks of wood, green stubs, or young trees, and shall not give a satisfactory account how he, she, or they, came by the same, and shall be thereof convicted before any one or more of his said Majesty's justices of the peace, on the oath of one or more credible witness or witnesses; shall, for the first offence, forfeit and pay immediately on conviction, any sum not exceeding the sum of forty shillings, together with the charges previous to and attending such conviction, to be ascertained by the said justice or justices who shall convict the offender or offenders: And if any person or persons shall commit any of the offences aforesaid a second time, and shall be thereof again convicted in manner aforesaid, he, she, or they shall forfeit and pay any sum not exceeding the sum of five pounds, together with the charges previous to and attending such conviction, to be ascertained as aforesaid: And if any person or persons shall commit any of the offences aforesaid a third time; that then such person and persons, being duly convicted thereof according to law, shall be deemed and adjudged an incorrigible rogue or rogues, and shall be punished as such.

No. XI. 6 Geo. III. c. 48.

V. And be it enacted by the authority aforesaid, That his Majesty's justices of the peace for the respective counties, cities, ridings, divisions, or places, wherein any of the offences committed against this Act shall be done, are hereby authorized to put this Act in execution, and to administer an oath to any such credible witness or witnesses.

Justices to put Act in execution.

VI. 'And whereas the mischiefs intended by this Act to be prevented 'may be evaded on account of the offenders not being able to pay down 'the sum forfeited and charges incurred thereby, such offenders frequently 'having no goods, or other chattels, whereon the same can be levied;' therefore be it enacted, That it shall and may be lawful for such justice or justices, unless the respective forfeitures shall be paid down upon conviction forthwith, where not otherwise directed by this Act, by warrant under his or their hands and seals to commit such offender or offenders, for the first offence, to the house of correction for one month, to hard labour, and to be once whipped there; and for the second offence, where not otherwise directed by this Act, to the house of correction for three months, to hard labour, and to be whipped there once in every one of the said three months.

Persons hindering or attempting to prevent seizing offenders, &c.

VII. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time hinder, or attempt to prevent, the seizing or securing any person employed in carrying away any such timber or other trees; every such person so hindering or attempting to prevent such seizing or securing, shall, for every such offence, forfeit and pay the sum of ten pounds to the person or persons who shall convict such offender: And if the said sum be not immediately paid on conviction, the person or persons so convicted shall be, by the justice or justices before whom he, she, or they shall be convicted, committed to the house of correction, to hard labour, for any time not exceeding six calendar months.

Application of forfeitures.

VIII. And be it further enacted, That one moiety of all and every the forfeitures herein-before directed to be paid in pursuance of this Act, and not otherwise directed, shall go to the informer, and the other moiety to the person or persons aggrieved.

Convictions to be certified to sessions.

IX. And be it further enacted by the authority aforesaid, That the conviction and convictions of all and every offender and offenders against this Act, shall be certified by the justice or justices of the peace before whom the same shall be made, to the next general quarter sessions of the peace, to be filed amongst the records of the said sessions; and that such conviction shall be fairly written on parchment or paper in the following form of words (as the case shall happen) or in any other form of words to the like effect; (that is to say,)

Form of conviction.

To wit. } BE it remembered, That on the day of in the year A. B. was upon the complaint of C. D. convicted before of the justices of the peace for in pursuance of an Act passed in the sixth year of the reign of his Majesty King *George* the Third, for [*as the case shall be*].

Given under hand and seal the day and year above written.

Conviction not liable to be quashed, &c.

which said conviction shall be good and effectual in law to all intents and purposes; and shall not be quashed, set aside, or adjudged void or insufficient, for want of any form or words whatsoever; nor be liable to be removed by *certiorari* into his Majesty's Court of *King's Bench*, but shall be deemed and taken to be final to all intents and purposes whatsoever.

[No. XII.] 10 George III. c. 30.—An Act for rectifying a Mistake in an Act made in the last Session of Parliament, intituled, *An Act for better securing the Duties of Customs upon certain Goods removed from the Out Ports and other Places to* London; *for regulating the Fees of the Officers of his Majesty's Customs in the Province of* Senegambia *in* Africa; *for allowing to the Receivers General of the Duties*

on Offices and Employments in Scotland, *a proper Compensation for their Trouble and Expences;* for the better Preservation of Hollies, Thorns, and Quicksets, in Forests, Chases, and Private Grounds, and of Trees and Underwoods in Forests and Chases; *and for authorizing the Exportation of a limited Quantity of an inferior Sort of Barley, called* Bigg, *from the Port of* Kirkwall, *in the Islands of* Orkney.

No. XII. 10 Geo. III. c. 30. 9 G. 3. c. 41.

'WHEREAS in an Act passed in the last session of Parliament, intituled, '*An Act for better securing the Duties of Customs upon certain Goods* 'removed *from the Out Ports and other Places to* London; *for regulating* 'the Fees *of the Officers of his Majesty's Customs in the Province of* Sene- 'gambia *in* Africa; *for allowing to the Receivers-general of the Duties on* 'Offices *and Employments in* Scotland, *a proper Compensation for their* 'Trouble *and Expences; for the better Preservation of Hollies, Thorns,* 'and Quicksets, *in Forests, Chases, and private Grounds, and of Trees and* 'Underwoods *in Forests and Chases; and for authorizing the Exportation* 'of a limited Quantity *of an inferior Sort of Barley, called* Bigg, *from the* 'Port *of* Kirkwall, *in the Islands of* Orkney; an Act made in the sixth year 'of his present Majesty's reign, therein intended to be recited and ex- and 6 G. 3. c. 48. and see c. 36. 'tended, is, by mistake, intituled, *An Act for the better Preservation of* 'Roots, *Shrubs, and Plants,* instead of being intituled, *An Act for the* 'better Preservation *of Timber Trees, and of Woods and Underwoods, and* 'for the further Preservation *of Roots, Shrubs, and Plants:* Now, for rec- 'tifying the said mistake,' be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That the said Act of the sixth year of his present Majesty's reign shall, notwithstanding such mistake in reciting the title thereof, made in the said Act of the last session of Parliament, be taken, deemed, and adjudged nevertheless to be meant thereby, and confirmed and extended accordingly as to all and every the several clauses, powers, authorities, penalties, forfeitures, provisions, matters, and things in the said Acts, or either of them, contained, in the same manner, to all intents, constructions, and purposes whatsoever, as if the said mistake had never been made or happened, and the title of the said Act of the sixth year of his present Majesty's reign had at first been truly recited in the said Act of the last session of Parliament; any law or usage to the contrary in anywise notwithstanding.

[No. XIII.] 13 George III. c. 33.—An Act to extend the Provisions of an Act, made in the Sixth Year of his present Majesty's Reign, intituled, *An Act for the better Preservation of Timber Trees, and of Woods and Underwoods; and for the further Preservation of Roots, Shrubs, and Plants,* to Poplar, Alder, Maple, Larch, and Hornbeam.

No. XIII. 13 Geo. III. c. 33. 6 George 3.

'WHEREAS by an Act made in the sixth year of his present Majesty's reign, intituled *An Act for the better Preservation of Timber Trees,* 'and *of Woods and Underwoods; and for the further Preservation of Roots,* 'Shrubs, *and Plants,* it was enacted, That every person who should cut or break down, bark, burn, pluck up, lop, top, crop, or otherwise deface, damage, spoil, or destroy, or carry away, any timber tree, or trees likely to become timber, or any part thereof, or the lops or tops thereof, without the consent of the owner or owners thereof first had and obtained, or in any of his Majesty's forests or chases, without the consent of the surveyor or surveyors, or his or their deputy or deputies, or person or persons intrusted with the care of the same, and should be thereof convicted, upon the oath of one or more credible witness or witnesses, be-

No. XIII. 13 Geo. III. c. 33.

'fore any one or more of his Majesty's justices for the county, city, riding, 'division, district, or place, wherein such offence should be committed, 'should, for the first offence, forfeit and pay such sum of money, not ex- 'ceeding twenty pounds, as to such justice or justices should seem meet, 'together with the charges previous to and attending such conviction, to be 'ascertained by such justice or justices who should convict the offender; 'and upon non-payment thereof, such justice or justices should commit 'the offender to the common gaol of the county or place where the offence 'should be committed, there to remain without bail or mainprize, for any 'time not exceeding twelve months, nor less than six months, or until the 'penalty and charges should be paid; and if any person so convicted 'should be guilty of the like offence a second time, and should be thereof 'convicted in like manner, such person should forfeit and pay such sum 'of money, not exceeding thirty pounds, as to such justice or justices 'should seem meet, together with the charges previous to and attending 'such conviction, to be ascertained by such justice or justices who should 'convict the offender; and upon non-payment thereof, such justice or 'justices should commit the offender to the common gaol of the county or 'place where the offence should be committed, there to remain without 'bail or mainprize, for any time not exceeding eighteen months, nor less 'than twelve months, or until the penalty and charges should be paid; 'and if any person so convicted should be guilty of the like offence a third 'time, and should be thereof convicted in like manner, such person should 'be guilty of felony, and the court by and before whom such person shall 'be tried, should and thereby had authority to transport such person or 'persons for the space of seven years, to any of his Majesty's plantations 'in *America*, in like manner as other felons are directed to be transported 'by the laws and statutes of this realm: And by the said Act it was enact- 'ed, That all oak, beech, chesnut, walnut, ash, elm, cedar, fir, asp, lime, 'sycamore, and birch trees, should be deemed and taken to be timber trees, 'within the true meaning and provision of the said Act: And whereas 'doubts have arisen since the passing the said Act, whether any trees shall 'be deemed and taken to be timber trees, other than such as are declared 'so to be in the said Act:' Now, for the better preservation of the several useful and valuable timber trees hereafter mentioned, casually omitted to be mentioned in the said Act, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That the trees called poplar, alder, larch, maple, and hornbeam, shall also be deemed and taken to be timber trees, immediately after the first day of *May*, one thousand seven hundred and seventy-three: And all and every person or persons who shall after the said first day of *May*, one thousand seven hundred and seventy-three next, wilfully cut or break down, bark, burn, pluck up, lop, top, crop, or otherwise deface, damage, spoil, or destroy, or carry away any poplar, alder, larch, maple, and hornbeam, or any part thereof, or the lops or tops thereof, without the consent of the owner or owners thereof first had and obtained, or of some person intrusted with the care of such tree or trees, such person or persons shall, if found guilty of any offence or offences, be convicted in like manner as persons are directed so to be, for offences of the like kind, concerning trees, deemed timber trees, in the above in-part recited Act; and upon such conviction or convictions shall be liable to all and every the penalties, forfeitures, and punishments therein inflicted for any such like offence or offences; and all and every justice and justices of the peace is and are hereby authorized, on complaint made to him or them of any offence or offences, to administer oaths, and to proceed in like manner to conviction and punishment of every offender against this Act, as fully and effectually as if the said trees hereby declared, deemed, and taken to be timber trees, had been expressly so deemed and declared to be in the said Act passed in the sixth year of his present Majesty's reign; and such conviction and convictions shall be certified by the justice or justices before whom the same shall be made to the next quarter sessions of the peace to be holden for the county wherein such offence or offences were committed,

Poplar, alder, larch, maple, and hornbeam to be deemed timber trees.

No. XIII. 13 Geo. III. c. 33.

in the form of words, or to that effect, directed by the said Act; and all and every the forfeitures for offences against this Act shall be paid and applied in the manner forfeitures are directed to be paid in the said recited Act.

[No. XIV.] 45 George III. c. 66.—An Act to prevent in *Great Britain* the illegally carrying away Bark; and for amending two Acts, passed in the sixth and ninth Years of his present Majesty's Reign, for the Preservation of Timber Trees, Underwoods, Roots, Shrubs, Plants, Hollies, Thorns, and Quicksets.—[27*th June* 1805.]

No. XIV. 45 Geo. III. c. 66.

Recital of Act 6 G. 3. c. 48. [§ 4.] against spoiling woods.

'WHEREAS by an Act passed in the sixth year of his present Majesty's reign, for the better preservation of timber trees, and of woods and underwoods, and for the further preservation of roots, shrubs, and plants, it was enacted, That all and every person and persons, who, from and after the twenty-fourth day of *June* one thousand seven hundred and sixty-six, should go into the woods, underwoods, or wood grounds of any of his Majesty's subjects, not being the lawful owner or owners thereof, and should there cut, lop, top, or spoil, split down, or damage, or otherwise destroy any kind of wood or underwood, poles, sticks of wood, green stubs, or young trees, or carry and convey away the same, or should have in his, her, or their custody any kind of wood or underwood, poles, sticks of wood, green stubs, or young trees, and should not give a satisfactory account how he, she, or they came by the same, and should be thereof convicted before any one or more of his Majesty's justices of the peace, on the oath of one or more credible witness or witnesses, should for the first offence forfeit and pay, immediately on conviction, any sum not exceeding the sum of forty shillings, together with the charges previous to and attending such conviction, to be ascertained by the said justice or justices who should convict the offender or offenders; and if any person or persons should commit any of the offences aforesaid a second time, and should be thereof again convicted in manner aforesaid, he, she, or they, should forfeit and pay any sum not exceeding the sum of five pounds, together with the charges previous to and attending such conviction, to be ascertained as aforesaid; and if any person or persons should commit any of the offences aforesaid a third time, that then such person and persons, being duly convicted thereof according to law, should be deemed and adjudged an incorrigible rogue or rogues, and should be punished as such:

Recital of Act 9 G. 3. c. 41. [§ 8. and see 10 G. 3. c. 30.] extending 6 G. 3. c. 36. to hollies, &c.

And whereas by another Act passed in the ninth year of his said Majesty's reign, for the better preservation of hollies, thorns, and quicksets, in forests, chases, and private grounds, and of trees and underwoods in forests and chases, it was enacted, That from and after the first day of *July* one thousand seven hundred and sixty-nine, the said clause made in the said Act of the sixth year of his present Majesty's reign, and all and every the penalties, forfeitures, and punishments thereby inflicted, and all other provisions, clauses, matters, and things relating thereto, should extend, and should be deemed, taken, and construed to extend, and should be applied and put in execution in relation to all his Majesty's forests and chases within this realm, and to all and every person or persons who should, without legal right or authority, by night or day, cut down, destroy, take, carry, or convey away any hollies, thorns, or quicksets, growing or being upon any of his Majesty's said forests or chases, or within the woods or wood grounds of any of his Majesty's subjects, or who should have in his, her, or their custody or possession any such hollies, thorns, or quicksets, and should not give a satisfactory account how he, she, or they came by the same, and should be thereof convicted before any one or more of his Majesty's justices of the peace in the manner prescribed and directed by the said Act, and such justice or justices is or are hereby authorized to administer oaths, and proceed in the like manner for the conviction and punishment of every offender in the premises, as fully an ef

'fectually to all intents and purposes, as if the several provisions in the 'said Act had been therein particularly repeated and applied to the offences 'therein before specified: And whereas great quantities of bark have of 'late been taken and carried away from out of his Majesty's woods, forests, 'and chases, by persons not having legal right or authority to take and 'carry away the same, and it is proper to prevent such evil practices and 'abuses for the future; and it is expedient also to extend the provisions 'of the said Acts, to all woods and wood grounds belonging to his Majesty, 'as well in right of his duchy of *Lancaster*, as otherwise:' Therefore be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act, the aforesaid clauses in the said recited Acts, and all and every the penalties, forfeitures, and punishments thereby inflicted, and all other provisions, matters, and things relating thereto, shall extend, and shall be applied and put into execution, in relation to all woods and wood grounds, belonging to his Majesty in *Great Britain*, as well in right of his duchy of *Lancaster* as otherwise, and whether such woods or wood grounds shall be within any of his Majesty's forests or chases or not, and also to all and every persons and person who shall, without legal right or authority, by night or day, take, carry, or convey away any bark, being in any forests or chases, or woods or wood grounds, belonging to his Majesty, as well in right of his duchy of *Lancaster* as otherwise, or within the woods or wood grounds of any of his Majesty's subjects in *Great Britain*, or who shall have in his, her, or their custody, or possession any bark, and shall not give a satisfactory account how he, she, or they came by the same, and shall be thereof convicted before any one or more of his Majesty's justices of the peace, in the manner prescribed and directed by the said first-recited Act; and such justice or justices is or are hereby authorized to administer oaths, and proceed in the like manner for the conviction and punishment of every offender in the premises, as fully and effectually, to all intents and purposes, as if the several provisions in the said first-recited Act had been herein particularly repeated and applied to the offences herein-before specified.

Provisions of recited Acts extended to all woods belonging to his Majesty, and to persons taking away bark from woods of his Majesty, or any of his subjects, or having it unlawfully in their possession.

II. And be it further enacted, That the conviction and convictions of all and every offenders and offender against this Act shall be certified by the justice or justices of the peace before whom the same shall be made, to the next general quarter sessions of the peace, to be filed amongst the records of the said sessions; and that such conviction shall be fairly written on parchment or paper, in the following form of words, or (as the case shall happen), in any other form of words to the like effect: (that is to say,)

Conviction shall be certified to the sessions.

To wit. { 'BE it remembered, That on the day of in the year *A. B.* was, upon the complaint of 'C. D. convicted before of the justices of the peace for 'in pursuance of an Act passed in the forty-fifth year of the reign of his 'Majesty King *George* the Third, for [*as the case shall be*]. Given 'under hand and seal, the day and year above written.'

Form of conviction.

Which said conviction shall be good and effectual in law to all intents and purposes, and shall not be quashed, set aside, or adjudged void or insufficient for want of any form or words whatsoever, nor be liable to be removed by *certiorari*, into his Majesty's Courts of King's Bench, but shall be deemed and taken to be final to all intents and purposes whatsoever.

No certiorari.

III. Provided always, and be it further enacted, That if any person or persons shall commit any of the said offences specified in the said recited Acts or this Act more than three times, and shall be thereof convicted before any one or more of his Majesty's justices of the peace in the manner prescribed and directed by the said first-recited Act, every such person shall, for every such offence, committed subsequent to the third offence, be deemed and adjudged an incorrigible rogue or rogues, and shall be punished as such.

After more than three offences offenders shall be punished as incorrigible rogues.

PART VII.

MISCELLANEOUS.

Class 1. Annual Indemnity Act.
— 2. Mutiny Act.
— 3. Billetting Act.
— 4. Disembodied Militia Act.
— 5. Marine Act.

CLASS I.

Annual Indemnity Act.

10 George IV. c. 12.—An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and thirty.—[13th *April* 1829.]

10 Geo. IV. c. 12.

WHEREAS divers persons, who, on account of their offices, places, employments, or professions, or any other cause or occasion, ought to have taken and subscribed the oaths or assurance respectively appointed to be by such persons taken and subscribed in and by an Act made in the first year of the reign of his late Majesty King *George* the First of glorious memory, intituled "An Act for the further Security of His Majesty's "Person and Government, and the Succession of the Crown in the Heirs "of the late Princess *Sophia*, being Protestants; and for extinguishing "the hopes of the pretended Prince of *Wales*, and his open and secret "abettors;" or to have qualified themselves according to an Act made in the thirteenth year of the reign of King *Charles* the Second, intituled "An Act for the well-governing and regulating of Corporations;" or to have qualified themselves according to another Act made in the twenty-fifth year of the reign of King *Charles* the Second, intituled "An Act for "preventing the Dangers which may happen from Popish Recusants;" or according to another Act made in the thirtieth year of the reign of King *Charles* the Second, intituled "An Act for the more effectual preserving "the King's Person and Government, by disabling Papists from sitting "in either House of Parliament;" or according to another Act made in the eighth year of the reign of his late Majesty King *George* the First, intituled "An Act for granting the People called *Quakers* such Forms of "Affirmation or Declaration as may remove the difficulties which many "of them lie under;" or according to another Act made in the ninth year of the reign of his late Majesty King *George* the Second, intituled "An "Act for indemnifying Persons who have omitted to qualify themselves "for Offices within the time limited by law, and for allowing further "time for that purpose; and for amending so much of an Act passed in "the Second Year of the Reign of His present Majesty, as requires Per-

1 G. 1. st. 2. c. 13.

13 C. 2. st. 2. c. 1.

25 C. 2. st. 2. c. 2.

30 C. 2. st. 2.

8 G. 1. c. 6.

9 G. 2. c. 26.

" sons to qualify themselves for Offices before the end of the next Term or " Quarter Sessions; and also for enlarging the time limited by law for " making and subscribing the Declaration against Transubstantiation; " and for allowing a further time for Enrolment of Deeds and Wills made " by Papists; and for Relief of Protestant Purchasers, Devisees, and " Lessees;" or according to another Act made in the eighteenth year of the reign of his late Majesty King *George* the Second, intituled " An Act " to amend and render more effectual an Act passed in the Fifth Year of " His present Majesty's Reign, intituled ' An Act for the further Quali- " fication of Justices of the Peace;'" or according to another Act made in the sixth year of the reign of his late Majesty King *George* the Third, intituled " An Act for altering the Oath of Abjuration, and the Assur- " ance; and for amending so much of an Act made in the Seventh Year " of the Reign of Her late Majesty Queen *Anne*, intituled ' An Act for " ' the Improvement of the Union of the Two Kingdoms,' as after the " time therein limited requires the Delivery of certain Lists and Copies " therein mentioned to persons indicted of High Treason or Misprision " of Treason;" have, through ignorance of the law, absence, or same unavoidable accident, omitted to take and subscribe the oaths and assurance and make and subscribe the declaration required by the said recited Acts or either of them, or otherwise to qualify themselves as aforesaid, within such time and in such manner as in and by the said Acts respectively is required, whereby they have incurred, or may be in danger of incurring, divers penalties and disabilities: For quieting the minds of his Majesty's subjects, and for preventing any inconvenience that might otherwise happen by means of such omissions, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That all and every person or persons who, at or before the passing of this Act, hath or shall have omitted to take and subscribe the oaths and declarations, or otherwise to qualify him, her, or themselves, within such time and in such manner as in and by the said Acts, or any of them, is required; and who, after accepting any such office, place, or employment, or undertaking any profession or thing on account of which such qualification ought to have been had and is required, before the passing of this Act hath or have taken and subscribed the said oaths, or made the declarations required by law, or who, on or before the twenty-fifth day of *March* one thousand eight hundred and thirty, shall take and subscribe the oaths, declarations, and assurance respectively, in such cases wherein by the said Acts or either of them the said oaths, declarations, and assurance ought to have been taken and subscribed, in such manner and form, and at or in such place or places, as are appointed in and by the said Act made in the first year of the reign of his said late Majesty King *George* the First, or by any other Act or Acts in that behalf made and provided; and hath or have made and subscribed, or shall, on or before the said twenty-fifth day of *March* one thousand eight hundred and thirty, make and subscribe the said declaration against transubstantiation; and also hath or have made and subscribed, or shall, on or before the said twenty-fifth day of *March* one thousand eight hundred and thirty, make and subscribe the said declaration in the said statute made in the thirtieth year of King *Charles* the Second, in such cases wherein the said declaration ought to have been made and subscribed, or to take and subscribe the oath directed by the said Act made in the eighteenth year of the reign of his late Majesty King *George* the Second, in such cases wherein the said oath ought to have been taken and subscribed, in such manner as by the said Act is directed, shall be and are hereby indemnified, freed, and discharged from and against all penalties, forfeitures, incapacities, and disabilities incurred or to be incurred for or by reason of any neglect or omission, previous to the passing of this Act, of taking or subscribing the said oaths or assurance, or making or subscribing the said declarations respectively, or taking or subscribing the said oath, according to the above-mentioned Acts or any of them, or any other Act or Acts; and such person or per-

10 Geo. IV. c. 12.

18 G. 2. c. 20.

6 G. 3. c. 53.

Persons who have omitted to qualify themselves as required by Law, indemnified and allowed further Time.

10 Geo. IV. c. 12.

sons is and are and shall be fully and actually recapacitated and restored to the same state and condition as he, she, or they were in before such neglect or omission, and shall be deemed and adjudged to have duly qualified him, her, or themselves according to the above-mentioned Acts and every of them; and that all elections of, and Acts done or to be done by any such person or persons, or by authority derived from him, her, or them, are and shall be of the same force and validity as the same or any of them would have been if such person or persons respectively had taken the said oaths or assurance, and made and subscribed the said declarations respectively, and taken and subscribed the said oath, according to the directions of the said Acts and every or any of them; and that the qualification of such person or persons qualifying themselves in manner and within the time appointed by this Act shall be to all intents and purposes as effectual as if such person or persons had respectively taken the said oaths and assurance, and made and subscribed the said declarations respectively, and taken and subscribed the said oath, within the time and in the maner appointed by the several Acts before mentioned.

Persons who have omitted to make and subscribe the Oaths, &c., required by the Irish Act of 2 Anne, indemnified, and allowed further Time for that Purpose.

II. And whereas several persons well affected to his Majesty's government, and to the united church of *England* and *Ireland*, have, through ignorance of the law, neglected, or been, by sickness or other unavoidable causes, prevented from taking and subscribing the declaration according to the directions of an Act passed in the Parliament of *Ireland*, in the second year of the reign of her late Majesty Queen *Anne*, intituled "An "Act to prevent the further Growth of Popery;" be it therefore further enacted, That all persons who have incurred any penalty or incapacity in the said recited Act mentioned, by neglecting to qualify themselves according to the said Act, shall be and are hereby indemnified, freed, and discharged from all incapacities, disabilities, penalties, and forfeitures incurred by reason of such omission or neglect as aforesaid; and that no Act done by any of them, not yet avoided, shall be questioned or avoided by reason of such omission or neglect, but that all such Acts shall be and are hereby declared to be as good and effectual as if such persons respectively had taken and subscribed the said oath, and made and repeated and subscribed the said declaration, at such time and place and manner as in the said Act is mentioned; any thing in the said Act to the contrary notwithstanding: Provided always, that such person or persons do and shall take and subscribe the said oaths, and make, repeat, and subscribe the said declaration, in such manner and form, and in such place or places respectively, as are directed and appointed by the said last-recited Act, on or before the twenty-fifth day of *March* one thousand eight hundred and thirty.

Not to indemnify Persons against whom final Judgment is given.

III. Provided always, and be it further enacted, That this Act, or any thing herein-contained, shall not extend or be construed to extend to indemnify any person against whom final judgment shall have been given in any action of debt, bill, plaint, or information, in any of his Majesty's Courts of Record, for any penalty incurred by having neglected to qualify himself within the time limited by law.

Nor to exempt Justices acting without legal Qualification.

IV. Provided always, and be it further enacted, That nothing contained in this Act shall extend or be construed to extend to exempt any justice of the peace within *Great Britain* from the penalties to which he is subject for acting as such without being possessed of the qualification required by the laws now in force.

Admissions to Corporations may be stamped after Time allowed by Law.

V. And whereas the appointment of divers clerks of the peace, town clerks, and other public officers, and the admission of divers members and officers of cities, corporations, and borough towns in *Great Britain* and *Ireland*, or the entries of such admissions in the court books, rolls, or records of such cities, corporations, and borough towns, which by several Acts are directed and required to be stamped, may not have been provided, or the same not stamped, or may have been lost or mislaid; be it further enacted, That for the relief of such persons whose appointments and admissions, or the entries of whose admissions as aforesaid, may not have been provided, or not duly stamped, or where the same have been lost or mislaid, it shall and may be lawful to and for such persons in *Great Britain* or *Ireland*, on or before the twenty-fifth

day of *March* one thousand eight hundred and thirty, to provide or cause to be provided appointments and admissions, or entries of admissions as aforesaid, duly stamped; or in case where such appointments, admissions, or entries of admissions as aforesaid, have been made or provided, but have not been duly stamped, to produce such appointments, admissions, or entries of admissions as aforesaid, to the commissioners appointed to inspect and manage the revenues of the stamp duties, to be duly stamped; which such commissioners are hereby authorized, empowered, and required to duly stamp, on payment of the duties first payable or to have been paid on such appointments, admissions, or entries of admissions as aforesaid, without any fine or forfeiture thereon; and in order to denote the said duties, the said commissioners are hereby authorized and empowered to use such stamps as shall have been heretofore provided to denote any former duties on stamped vellum, parchment, and paper, or to cause new stamps to be provided for that purpose, and to do all other things necessary for putting this Act in execution, in the like and in as full and ample manner as they or the major part of them are authorized to put in execution any former law concerning stamped vellum, parchment, and paper; and such persons so providing appointments, admissions, or entries of admissions as aforesaid, duly stamped, or procuring the same to be duly stamped, in manner aforesaid, are and shall be hereby confirmed and qualified to act as clerk of the peace, town clerk, or other public officer, or member or members, officer or officers of such cities, corporations, and borough towns respectively, to all intents and purposes; and shall and may hold and enjoy and execute such offices, or any other office or offices into which he or they hath or have been elected, notwithstanding his or their omission, or the omission of any of their predecessors, in such cities, corporations, or borough towns as aforesaid; and shall be indemnified and discharged of and from all incapacities, disabilities, forfeitures, penalties, and damages by reason of any such omission; and none of his or their Acts shall be questioned or avoided by reason of the same.

Not to restore Persons to any Office avoided by Judgment.

VI. Provided always, and be it enacted, That this Act or any thing herein contained shall not extend or be construed to extend to restore or entitle any person or persons to any office or employment, benefice, matter or thing whatsoever, already actually avoided by judgment of any of his Majesty's Courts of Record, or already legally filled up and enjoyed by any other person; but that such office or employment, benefice, matter, or thing so avoided, or legally filled up and enjoyed, shall be and remain in and to the person or persons who is or are now, or shall at the passing of this Act, be legally entitled to the same, as if this Act had never been made.

General Issue.

VII. And be it further enacted, That in case any action, suit, bill of indictment, or information, shall from and after the passing of this Act, be brought, carried on, or prosecuted against any person or persons hereby meant or intended to be indemnified, recapacitated, or restored, for or on account of any forfeiture, penalty, incapacity, or disability whatsoever, incurred or to be incurred by any such neglect or omission, such person or persons may plead the general issue, and upon their defence give this Act and the special matter in evidence upon any trial to be had thereupon.

PART VII.—CLASS II.

MUTINY ACT.

10 Geo. IV. c. 6.—An Act for punishing Mutiny and Desertion; and for the better Payment of the Army and their Quarters. —[23d *March* 1829.]

10 Geo. IV. c. 6.

WHEREAS the raising or keeping a standing army within the United Kingdom of *Great Britain* and *Ireland*, in time of peace, unless it be with the consent of Parliament, is against law: And whereas it is adjudged necessary by his Majesty, and this present Parliament, that a body of forces should be continued, for the safety of the United Kingdom, the defence of the possessions of his Majesty's crown, and the preservation of the balance of power in *Europe*, and that the whole number of such forces

Numbers.

should consist of eighty-nine thousand seven hundred and twenty-three men, exclusive of the officers and men belonging to the regiments employed in the territorial possessions of the *East India* Company, but including the officers and men of the troops and companies recruiting for those regiments: And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgment of his peers, and according to the known and established laws of this realm; yet nevertheless, it being requisite, for the retaining all the before-mentioned forces in their duty, that an exact discipline be observed, and that soldiers who shall mutiny or stir up sedition, or shall desert his Majesty's service, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That if any person who is or

Crimes punishable by Death.

shall be commissioned or in pay as an officer, or who is or shall be listed or in pay as a non-commissioned officer or soldier, shall, at any time during the continuance of this Act, begin, excite, cause, or join in any mutiny or sedition in his Majesty's land or marine forces, or shall not use his utmost endeavours to suppress the same, or coming to the knowledge of any mutiny or intended mutiny, shall not, without delay, give information thereof to his commanding officer; or shall misbehave himself before the enemy; or shall shamefully abandon or deliver up any garrison, fortress, post, or guard committed to his charge, or which he shall be commanded to defend; or shall compel the governor or commanding officer of any garrison, fortress, or post, to deliver up to the enemy or to abandon the same; or shall speak words or use any other means to induce such governor or commanding officer, or others, to misbehave before the enemy, or shamefully to abandon or deliver up any garrison, fortress, post, or guard committed to their respective charge, or which he or they shall be commanded to defend; or shall leave his post before relieved, or shall be found sleeping on his post; or shall hold correspondence with or give advice or intelligence to any rebel or enemy of his Majesty, either by letters, messages, signs, or tokens, in any manner or way whatsoever; or shall treat or enter into any terms with such rebel or enemy, without his Majesty's licence, or licence of the general or

chief commander; or shall strike or use any violence against his superior officer, being in the execution of his office, or shall disobey any lawful command of his superior officer; or shall desert his Majesty's service; all and every person and persons so offending in any of the matters before mentioned, whether such offence shall be committed within this realm, or in any other of his Majesty's dominions, or in foreign parts, upon land or upon the sea, shall suffer death, or such other punishment as by a court-martial shall be awarded.

The ordinary Course of Law not to be interfered with.

II. And be it enacted, That nothing in this Act contained shall be construed to exempt any officer or soldier from being proceeded against by the ordinary course of law; and any commanding officer who shall neglect or refuse, when application is made to him for that purpose, to deliver over to the civil magistrate any officer or soldier accused of any capital crime, or of any violence or offence against the person, estate, or property of any of his Majesty's subjects, which is punishable by the known laws of the land, or shall wilfully neglect or refuse to assist the officers of justice in apprehending such offender, shall, upon conviction thereof in any prosecution in any of his Majesty's courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any civil or military office or employment within the United Kingdom of *Great Britain* and *Ireland*, or in his Majesty's service, and a certificate thereof shall be transmitted to the judge advocate in *London*; provided that no person, being acquitted or convicted of any capital crime, violence, or offence, by the civil magistrate, or by the verdict of a jury, shall be liable to be punished by a court-martial for the same otherwise than by cashiering.

Soldiers not to be taken away from the Service for Debts under 20*l*.

III. And be it enacted, That no person whatever (except an apprentice) enlisted into his Majesty's service as a soldier shall be liable to be arrested or taken therefrom by reason of the warrant of any justice, on account of any breach of contract or engagement to serve or work for any employer; and no person enlisted as a soldier shall be liable to be taken out of his Majesty's service by any process or execution whatsoever, other than for some criminal matter, unless an affidavit shall be made by the plaintiff, or some one on his behalf, for which no fee shall be taken, before some judge of the court out of which such process or execution shall issue, or before some person authorized to take affidavits in such courts, of which affidavit a memorandum shall, without fee, be indorsed upon the back of such process, that the original debt for which the action has been brought or execution sued out amounts to the value of twenty pounds at least, over and above all costs of suit in the action or actions on which the same shall be grounded; and any judge of such court may examine into any complaints made by a soldier, or by his superior officer, and by warrant under his hand discharge such soldier without fee, he being shown to be duly enlisted, and to have been arrested contrary to the intent of this Act, and shall award reasonable costs to such complainant, who shall have for the recovery thereof the like remedy as would have been applicable to the recovery of any costs which might have been awarded against the complainant in any judgment or execution as aforesaid; provided that any plaintiff, upon notice of the cause of action first given in writing to any soldier, or left at his last place of residence before such listing, may file a common appearance in any action to be brought for or upon account of any debt whatsoever, and proceed therein to judgment and outlawry, and have execution other than and against the body.

The King may make Articles of War in conformity with this Act.

IV. And be it enacted, That it shall be lawful for his Majesty to make articles of war for the better government of his Majesty's forces, which articles shall be judicially taken notice of by all judges, and in all courts whatsoever; and copies of the same, printed by the King's printer, shall, as soon as conveniently may be after the same shall have been made and established by his Majesty, be transmitted by his Majesty's secretary at war, signed with his own hand and name, to the judges of his Majesty's superior courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the governors of his Majesty's dominions abroad; provided that no person within the United Kingdom of *Great Britain* and *Ireland*, or

10 Geo. IV. c. 6.

the *British* isles, shall be subject by such articles of war to any punishment extending to life or limb for any crime which is not expressed to be so punishable by this Act, nor in any manner or under any regulations which shall not accord with the provisions of this Act.

Constitution of Courts-martial.

V. And be it enacted, That his Majesty may from time to time grant a commission, under the royal sign manual, for the holding of general courts-martial within the United Kingdom of *Great Britain* and *Ireland*, in like manner as has been heretofore used; and that for bringing offenders against the articles of war to justice, it shall be lawful for his Majesty to erect and constitute courts-martial within the United Kingdom of *Great Britain* and *Ireland*, as well as to grant his royal commissions or warrants to the chief governor or governors of *Ireland*, the commander of the forces, or the person or persons commanding in chief, or commanding for the time being, any body of his Majesty's forces, as well within the United Kingdom of *Great Britain* and *Ireland*, and *British* isles, as in any of his Majesty's garrisons and dominions or elsewhere beyond the seas, for convening, as well as for authorizing any officer under their respective command, not below the degree of a field officer, to convene courts-martial, as occasion may require, for the trial of offences committed by any of their forces under their several command, whether the same shall have been committed before or after such officer shall have taken upon himself such command; and any person subject to this Act, who shall in any of his Majesty's dominions beyond the sea or elsewhere commit any of the offences for which he may be liable to be tried by courts-martial by virtue of this Act, may be tried and punished for the same in any other part of his Majesty's dominions where he may have come after the commission of the offence, as if the offence had been committed where such trial shall take place.

Composition of General Courts-martial.

VI. And be it enacted, That a general court-martial convened in any part of the King's dominions, (*Bermuda*, *Africa*, and *New South Wales* excepted,) or in the settlements of the *East India* company, shall, in order to have power to try a commissioned officer, or to pass sentence of death or transportation on any offender, consist of not less than thirteen commissioned officers, in which sentence of death nine at the least of the officers of any court consisting of thirteen shall concur; and if to try any person not of the rank of a commissioned officer, shall consist of not less than nine; and such general courts-martial convened in *Bermuda*, or out of the King's dominions, excepting *Africa* and *New South Wales*, shall have not less than seven, and in *Africa* and *New South Wales* not less than five commissioned officers; and in all cases where such general courts-martial as aforesaid shall consist of more or fewer officers than thirteen, no judgment of death shall pass without the concurrence of two-thirds at least of the officers present; and the president shall in no case be the officer commanding in chief or governor of the garrison where the offender shall be tried, nor under the degree of a field officer, unless where a field officer cannot be had, nor in any case whatsoever under the degree of a captain.

Powers of General Courts-martial.

VII. And be it enacted, That a general court-martial may sentence any soldier to imprisonment, solitary or otherwise, and with or without hard labour, in any public prison or other place which such court may appoint, to corporal punishment, not extending to life and limb, and to forfeiture of all advantage as to additional pay or pension on discharge, for immorality, misbehaviour, or neglect of duty; and whensoever any general court-martial by which a deserter shall have been tried and convicted shall not think the offence deserving of capital punishment, such court-martial may, instead of awarding a corporal punishment, adjudge the offender, according to the nature of the offence, to be transported as a felon for life or for a certain term of years, or may sentence him to general service as a soldier in any corps and in any country or place which his Majesty shall thereupon direct, or may, if such offender shall have enlisted for a limited term of years, sentence him to serve for life as a soldier in any corps which his Majesty shall please to direct; and the court may, in addition to any other punishment, sentence such offender to forfeit all

advantage as to increase of pay, or as to pension on discharge, which might otherwise have accrued to such offender; provided that in all cases where a capital punishment shall have been awarded by a general court-martial, it shall be lawful for his Majesty, instead of causing such sentence to be carried into execution, to order the offender to be transported as a felon, either for life or for a certain term of years, as to his Majesty shall seem meet; and if any person transported as a felon, whether in pursuance of the original sentence of the court-martial, or in pursuance of such order from his Majesty, shall afterwards return or be found at large, without leave from his Majesty or other lawful authority, within any part of his Majesty's dominions abroad or at home, other than the place to which he shall have been transported, before the expiration of the term limited by such sentence or order, and shall be duly convicted thereof, shall suffer death as a felon.

Trial by General Court-martial for Embezzlement.

VIII. And be it enacted, That every paymaster or other commissioned officer of his Majesty's forces, or any person employed in the ordnance or commissariat department, or in any manner in the care or distribution of any money, provisions, forage, or stores, who shall embezzle or fraudulently misapply, or be concerned in or connive at the embezzlement, fraudulent misapplication, or damage of any money, provisions, forage, arms, clothing, ammunition, or other military stores belonging to his Majesty's forces or for his use, may be tried for the same by a general court-martial, which may adjudge any such offender to be transported as a felon for life or for any certain term of years, or to suffer such punishment of fine, imprisonment, dismissal from his Majesty's service, and incapacity of serving his Majesty in any office, civil or military, as such court shall think fit, according to the nature and degree of the offence, and every such offender shall, in addition to any other punishment, make good at his own expence the loss and damage sustained, which shall have been ascertained by such court-martial; and the loss and damage so ascertained as aforesaid shall be a debt to his Majesty, and may be recovered in any of his Majesty's courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any court in his Majesty's colonies where the person sentenced by such court-martial shall be resident, after the said judgment shall be confirmed and made known.

Powers of District Courts-martial.

IX. And be it enacted, That a district or garrison court-martial shall consist of not less than nine commissioned officers, and may in like manner try offences, and sentence any non-commissioned officer or soldier to imprisonment, solitary or otherwise, and with or without hard labour, in any public prison or other place which such court may appoint, and also to corporal punishment (not extending to life or limb), and to forfeiture of all advantage as to additional pay, or to pension on discharge, in addition to any other punishment, for desertion, for purloining or selling government stores, for stealing from a comrade or from a military officer, for producing false or fraudulent accounts or returns whereby increased expence has been or would be brought upon the public for embezzlement or misapplication of money entrusted to him, for which offences such soldier may further be put under stoppages till the same be made good; or for such disgraceful conduct as shall induce the said court-martial to recommend such offender to be discharged as unfit for the service, from vice or misconduct, he having been once previously convicted of disgraceful conduct by a court-martial; and any district or garrison court-martial may deprive a soldier of the allowance in lieu of beer, or of additional pay, for any period not exceeding two years, for habitual drunkenness; provided that in all the foregoing cases the sentences shall be confirmed by the general officer, governor, or senior officer in command of the district, garrison, island, or colony, except in cases of mutiny, when the sentence may be confirmed and carried into execution on the spot by the officer in the immediate command of the troops; and the president of every court-martial, other than a general court-martial, not being under the rank of captain, shall be appointed by the officer convening such court-martial; provided that such court-martial shall not have power to pass any sentence of death or transportation.

10 Geo. IV. c. 6.

Marking a Deserter.

X. And be it enacted, That it shall be lawful for any court-martial empowered to try the crime of desertion, in addition to any other punishment, to direct that the offender be marked on the left side, two inches below the arm-pit, with the letter (D.), such letter not to be less than half an inch long, and to be marked upon the skin with some ink or gunpowder, or other preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Powers of a Detachment Court-martial.

XI. And be it enacted, That it shall be lawful for any officer commanding any distinct detachment or portion of his Majesty's troops which may at any time be serving out of his Majesty's dominions, upon complaint made to him of any offence committed against the property or person of any inhabitant of or resident in any such countries, by any person serving with or belonging to his Majesty's armies, being under the immediate command of any such officer, to summon and cause to assemble a court-martial, which shall consist of not less than three officers, for the purpose of trying any such person, notwithstanding any such officer shall not have received any warrant empowering him to assemble courts-martial; and every such court-martial shall have the same powers in regard to summoning and examining witnesses, trial of and sentence upon offenders, as are granted by this Act to general courts-martial; provided that no sentence of any such court-martial shall be executed until the general commanding in chief the army of which the division, brigade, detachment, or party to which any person so tried, convicted, and adjudged to suffer punishment shall belong, shall have approved and confirmed the same.

Mixture of Officers upon Courts-martial.

XII. And be it enacted, That in certain cases, where it may be necessary or expedient, officers of his Majesty's marine forces may sit upon courts-martial in conjunction with officers of his Majesty's land forces, and such courts-martial shall be regulated, to all intents and purposes, in like manner as if they were composed of officers of the land forces only, whether the commanding officer by whose orders such court-martial is assembled belongs to the land or to the marine forces; and officers of his Majesty's land forces, and officers in the service of the *East India* company, when serving together, may be associated in courts-martial, which shall, to all intents and purposes, be regulated in like manner as if consisting wholly of officers of his Majesty's land forces, or wholly of officers in the service of the *East India* company; save and except that on the trial of any person in his Majesty's service, the provisions of this Act, and the oaths thereby prescribed, shall be applicable; and on the trial of any officer or soldier in the service of the *East India* company, the provisions of an Act passed in the fourth year of the reign of his Majesty, to amend the laws for punishing mutiny and desertion of officers and soldiers in the service of the *East India* company, and the oaths thereby prescribed, shall be applicable, notwithstanding any officer in the actual service of the said company may have a commission from his Majesty.

Power to administer Oaths.

XIII. And be it enacted, That all general and other courts-martial shall have power and authority and are hereby required to administer an oath to every witness or other person who shall be examined before such court, in any matter relating to any proceedings before the same.

Proceedings of Courts-martial.

XIV. And be it enacted, That in all trials by courts-martial to be held by virtue of this Act every member assisting at such trial, before any proceedings be had thereupon, shall take the oath in the schedule to this Act annexed, before the judge advocate or his deputy, or person officiating as such, or, if a regimental court-martial, before the president of such court, who are hereby respectively authorized to administer the same, and in regimental courts-martial any sworn member shall administer the oath to the president; and as soon as the said oaths shall have been administered to the respective members, the president of the court is hereby authorized and required to administer to the judge advocate, or the person officiating as such, the oath in the schedule to this Act annexed; and no proceeding or trial shall be had upon any offence but between the hours of eight of the clock in the morning and four in the afternoon, except in cases which require an immediate example, and except in the *East Indies*, where such

proceedings or trial may be had between the hours of six in the morning and four in the afternoon: Provided also, that all witnesses duly summoned by the judge advocate, or the person officiating as such, shall, during their necessary attendance in such courts, and in going to and returning from the same, be privileged from arrest, and shall, if unduly arrested, be discharged by the court out of which the writ or process issued by which such witness was arrested; or if such court be not sitting, then by any judge of the Court of King's Bench in *London* or in *Dublin*, or Court of Session in *Scotland*, or Courts of Law in the *East* or *West Indies* or elsewhere, according as the case shall require, upon its being made to appear to such court or judge, by affidavit in a summary way, that such witness was arrested in going to or returning from or attending upon such court-martial; and that all witnesses so duly summoned as aforesaid who shall not attend on such courts shall be liable to be attached in the Court of King's Bench in *London* or *Dublin*, or Court of Session, or sheriff depute or stewarts depute, or their respective substitutes, within their several shires and stewartries in *Scotland*, or courts of law in the *East* or *West Indies*, or in any of his Majesty's colonies, garrisons, or dominions in *Europe* or elsewhere respectively, upon complaint made, in like manner as if such witness had neglected to attend in a trial in any proceeding in that court.

Appeal.

XV. And be it enacted, That no officer or soldier, being acquitted or convicted of any offence, shall be liable to be tried a second time by the same or any other court-martial for the same offence, unless in the case of an appeal from a regimental to a general court-martial; and that no finding, opinion, or sentence given by any court-martial, and signed by the president thereof, shall be liable to be revised more than once.

Report of Proceedings of General Courts-martial.

XVI. And be it enacted, That every judge advocate, or person officiating as such at a general court-martial, is required to transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence thereof to the judge advocate general in *London*, in whose office they shall be carefully preserved; and the person tried by such court, or any person in his behalf, shall be entitled, on demand, to a copy of such sentence and proceedings (paying reasonably for the same), whether such sentence shall be approved or not, at any time not sooner than six months if the trial took place at *Gibraltar* or in the *Mediterranean*, three months if at any other station within *Europe*, and twelve months if elsewhere in his Majesty's dominions: Provided that such demand as aforesaid shall be made, and any proceedings thereon had, within the space of three years from the date of the approval or other final decision upon the proceedings before such general court-martial.

Transportation from the United Kingdom.

XVII. And be it enacted, That whenever it is intended that a person convicted of desertion shall be transported, either in pursuance of the original sentence of a court-martial or of his Majesty's gracious order of commutation as aforesaid, the sentence of the court-martial, together with his Majesty's pleasure upon the same, shall be notified in writing by the officer commanding in chief his Majesty's forces in *Great Britain* and *Ireland*, or, in the temporary absence of such officer, by the adjutant general, to any judge of the King's Bench, Common Pleas, or Exchequer in *England* or *Ireland*, and thereupon such judge shall make an order for the transportation of such offender in conformity with such notification, and shall also do all such other Acts consequent upon the same as such judge is authorized to do by any Act in force touching the transportation of other offenders; and the persons in whose custody such offender shall at that time be, and all other persons whatsoever whom the said order may concern, shall be bound to obey and shall be assistant in the execution thereof, and shall be liable to the same punishment for disobedience, or for interrupting the execution of the same, as if the order had been made under the authority of any such Act as aforesaid; and every person so ordered to be transported shall be subject to every provision made by law and in force concerning persons convicted of any crime and under

10 Geo. IV. c. 6.

sentence of transportation; and from the time when such order of transportation shall be made, every Act now in force touching the escape of felons shall apply to such offender, and to all persons aiding, abetting, contriving, or assisting in any escape or intended escape of any such offender; and the justice or baron who shall make any order of transportation as aforesaid shall direct the notification of his Majesty's pleasure, and his own order made thereupon, to be filed and kept of record in the office of the clerk of the crown of the Court of King's Bench; and the said clerk shall have a fee of two shillings and sixpence only for filing the same, and shall, on application, deliver a certificate in writing (not taking more than two shillings and sixpence for the same) to such offender, or to any person applying in his or in his Majesty's behalf, showing the Christian and surname of such offender, his offence, the place where the court was held before whom he was convicted, and the conditions on which the order of transportation was given; which certificate shall be sufficient proof of the conviction and sentence of such offender, and also of the terms on which such order for his transportation was given, in any court and in any proceeding wherein it may be necessary to inquire into the same.

Transportation from the Colonies.

XVIII. And be it enacted, That whenever any person convicted of desertion is to be transported from the *East Indies*, or from any part of his Majesty's foreign dominions, either in pursuance of the original sentence of a court-martial or on commutation of capital punishment, a similar notification shall be made by the officer commanding in chief his Majesty's forces at the station, or in his absence by the adjutant-general for the time being, to some judge of one of the supreme courts of judicature in the *East Indies*, or chief justice, or some other judge, as the case may be, in any part of his Majesty's foreign dominions, who shall make order for the transportation or intermediate custody of such offender, in such manner and to or in such place as shall be specified in any directions given to such chief justice or judge, in relation to any such offender, by one of his Majesty's principal secretaries of state, and the necessary proceedings shall be taken according to such order, for the transportation or intermediate custody of such offender; and all Acts in force in such place touching other offenders to be transported shall in all respects apply as well to the offender himself so to be transported as to all other persons whatsoever therein concerned.

Offences against former Mutiny Acts may be tried under this Act.

XIX. And be it enacted, That all crimes and offences which have been committed against any Act for punishing mutiny and desertion, and for the better payment of the army and their quarters, or against any of the articles of war made and established by virtue of the same, may, during the continuance of this Act, be inquired of and punished in like manner as if they had been committed against this Act; and every warrant for holding any court-martial under any former Act shall remain in full force notwithstanding the expiration of such Act, and all proceedings of any court-martial upon any trial begun under the authority of such former Act shall not be discontinued by the expiration of the same; provided that no person shall be liable to be tried and punished for any offence against any of the said Acts or articles of war which shall appear to have been committed more than three years before the issuing of the commission or warrant for such trial, unless the person accused, by reason of his having absented himself, or of some other manifest impediment, shall not have been amenable to justice within that period, in which case such person shall be liable to be tried at any time not exceeding two years after the impediment shall have ceased.

Subsequent Enlistment no Protection from Punishment for Desertion.

XX. And be it enacted, That every soldier who shall desert from his Majesty's service shall be liable to all the pains and penalties imposed by this Act for every such offence committed by him, notwithstanding his having again enlisted into his Majesty's service; and every soldier of right belonging to any corps from which he may have originally deserted may be tried for deserting from any other corps in which he may afterwards have enlisted, or from his Majesty's service, if he shall not after such subsequent enlisting have been placed in any corps, or may be tried for any

crime committed by him while serving therein, notwithstanding it shall be known that he had previously belonged to some other corps or party, and had not been discharged therefrom; and if such person shall be claimed by such other corps or party, and be proceeded against as a deserter therefrom, his subsequent desertion from any one or more corps in which he may have unwarrantably enlisted may be given in evidence as an aggravation of his crime, previous notice being always given to such deserter of the intention to produce such evidence upon his trial.

Apprehension of Deserters.

XXI. And be it enacted, That it shall be lawful for the constable of any place where any person reasonably suspected to be a deserter shall be found, or of any adjoining place, and if no such constable can be immediately met with, then for any officer or soldier in his Majesty's service, to apprehend, or cause such suspected person to be apprehended, and to cause him to be brought before any justice living in or near such place, and acting for the same or any adjoining county, who hath hereby power to examine such suspected person; and if by his confession, or the testimony of one or more witnesses upon oath, or by the knowledge of such justice, it shall appear that such suspected person is a soldier, and ought to be with the corps to which he belongs, such justice shall forthwith cause him to be conveyed to some public prison in such place, or if there be no public prison in such place, then, at the discretion of such justice of the peace, to the nearest or most convenient public prison in the same or any next adjoining county, or to the provost marshal, in case such deserter shall be apprehended within the city or liberties of *Dublin* or places adjacent; and such justice shall transmit an account thereof, in the form prescribed in the schedule annexed to this Act, to the secretary at war, or, if the deserter be apprehended in *Ireland*, to the chief secretary, to the end that such person may be proceeded against according to law; and such justice shall also send to the secretary at war a report, stating the names of the persons by whom the deserter was apprehended and secured; and the secretary at war shall transmit to such justice an order for the payment to such persons of such sum, not exceeding forty shillings, as the secretary at war shall be satisfied they are entitled to, according to the true intent and meaning of this Act: Provided also, that no fee or reward shall be taken by any justice, or his clerk, in respect of any information, commitment, or report as aforesaid.

Fraudulent Confession of Desertion.

XXII. And be it enacted, That any person who shall voluntarily deliver himself up as a deserter from his Majesty's forces or the embodied militia, or the forces of the *East India* company, or who, upon being apprehended for any offence, shall, in the presence of the justices, confess himself to be a deserter as aforesaid, shall be deemed to have been duly enlisted and to be a soldier, and shall be liable to serve in any of his Majesty's forces, as his Majesty shall think fit to appoint, whether such person shall have been ever actually enlisted as a soldier or not; and if the person so confessing himself to be a deserter shall be serving at the time in any of his Majesty's forces, he shall be deemed to be and shall be dealt with as a deserter.

Penalty for inducing or assisting to desert.

XXIII. And be it enacted, That every person who shall in any part of his Majesty's dominions, directly or indirectly, persuade any soldier to desert his Majesty's service, shall suffer such punishment by fine or imprisonment, or both, as the court before which the conviction may take place shall adjudge; and every person who shall assist any deserter from his Majesty's service, knowing him to be such, in deserting or in concealing himself from such service, shall forfeit for every such offence the sum of twenty pounds.

Penalty for forcible Entry.

XXIV. And be it enacted, That every commissioned officer who shall, without warrant from one or more of his Majesty's justices, forcibly enter into or break open the dwelling-house or outhouses of any person whomsoever, under pretence of searching for deserters, shall, upon due proof thereof, forfeit the sum of twenty pounds.

Custody of Offenders under a Military Sentence.

XXV. And be it enacted, That every gaoler and keeper of any prison or house of correction in *England* or *Ireland* shall, upon the order in

10 Geo. IV. c. 6.

writing of any commanding officer of a district, garrison, regiment, or corps, (as the case may be,) receive and provide a proper place of confinement for any soldier under sentence of imprisonment by a court-martial, and shall detain such soldier during the period stated in such order, or until he be discharged, or shall deliver up such soldier to any person producing an order in writing to that effect from any such commanding officer as aforesaid, although the period for which the soldier was originally committed shall not have expired; and every such gaoler who shall refuse to receive and to confine any such non-commissioned officer or soldier in manner as aforesaid shall forfeit for every such offence the sum of one hundred pounds.

Custody of Deserters.

XXVI. And be it enacted, That the gaoler or person having the immediate inspection of any prison, gaol or house of correction in *England* and *Ireland*, shall receive and apply to the maintenance of every soldier, during the period of his imprisonment, sixpence *per diem*, which the secretary at war shall cause to be issued out of the subsistence of such soldier, upon application in writing, signed by any justice within whose jurisdiction such place of confinement shall be locally situated, together with a copy of the order of commitment; and such gaoler is hereby required to receive and confine every deserter who shall be delivered into his custody by any soldier conveying such deserter under lawful authority, on production of the warrant of the justice of the peace on which such deserter shall have been taken, or some order from the office of the secretary at war, or chief governor or governors of *Ireland*; and such gaoler shall be entitled to one shilling for the safe custody of the said deserter, while halted on the march, and to such subsistence for his maintenance as shall be directed by his Majesty's regulations.

Notice of Expiration of Imprisonment.

XXVII. And be it enacted, That every gaoler, to whom any notice shall have been given that any person in his custody for any offence is a soldier liable to serve his Majesty on the expiration of his imprisonment, shall give one month's notice of the period of such expiration of imprisonment, or if there shall not be sufficient time for a month's notice, then the longest practicable notice thereof, to the secretary at war, or, if in *Ireland*, to the chief secretary.

Various Persons subject to the Act.

XXVIII. And be it enacted, That all the provisions of this Act shall apply to all persons employed on the recruiting service, receiving pay in respect of such service, and to the officers and persons now or hereafter serving and hired to be employed in the royal artillery and field train, and master gunners and gunners, and conductors of stores, and in the regiment of royal engineers, and in the corps of royal sappers and miners, and in the corps of royal military surveyors and draftsmen, in the ordnance and in the commissariat departments, and who are or shall be serving with any part of his Majesty's forces, at home or abroad, under the command of any officer having commission from his Majesty; and all storekeepers and other civil officers who are or shall be employed by or act under the ordnance at any of his Majesty's ordnance establishments at foreign stations; provided that nothing in this Act contained shall extend to affect any security which has been given by such storekeeper, barrack master, or other officer, or their sureties, for the due performance of their respective offices, under the provisions of an Act passed in the fiftieth year of the reign of his late Majesty, to regulate the taking of securities in all offices, but that such bonds and other securities shall be and remain in full force and effect.

Foreign Troops in this Country.

XXIX. And be it enacted, That all officers and soldiers of any troops, being mustered and in pay, which shall be raised and serving in any of his Majesty's dominions abroad, or in places in possession of or occupied by his Majesty's subjects, under the command of any officer having any commission immediately from his Majesty, shall be liable to martial law in like manner as his Majesty's other forces are; and if such officers and soldiers, having been made prisoners, be sent into *England* or *Ireland*, although not allowed to serve therein, all the provisions of this Act, in regard to billetting soldiers, shall apply to such officers and soldiers.

Militia and Yeomanry.

XXX. And be it enacted, That nothing in this Act contained shall in

anywise be construed to extend to any of the militia forces or yeomanry or volunteer corps in *Great Britain* or *Ireland*, excepting only in such case wherein, by any Act or Acts for regulating any of the said forces or corps, the provisions contained in any Act for punishing mutiny and desertion shall be specifically made applicable to the said corps.

Limitations as to certain Islands.

XXXI. And be it enacted, That this Act shall be construed to extend to the islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the islands thereto belonging, as to the provisions therein for mustering and paying, and to the provisions for the trial and punishment of officers and soldiers who shall be charged with mutiny and desertion, or any other of the offences which are by this Act declared to be punishable by the sentence of a general, or garrison, or detachment, or regimental court-martial, and also to the provisions which relate to the punishment of persons who shall conceal deserters, or shall knowingly buy, exchange, or otherwise receive any arms, clothes, military furniture or regimental necessaries from any soldier or deserter, or who shall cause the colour of any such clothes to be changed.

Enlisting and swearing of Recruits.

XXXII. And be it enacted, That every person who shall receive enlisting money from any person employed in the recruiting service, he being an officer, non-commissioned officer, or an attested soldier, shall be deemed to be enlisted as a soldier in his Majesty's service, and while he shall remain with the recruiting party shall be entitled to be billetted; and every person who shall enlist any recruit shall first ask the person offering to enlist, whether he does or does not belong to the militia, and shall cause to be taken down, in writing, the name and place of abode of such recruit; and when any person shall be enlisted as a soldier in his Majesty's land service, he shall, within four days, but not sooner than twenty-four hours after such enlisting, appear, together with some person employed in the recruiting service of the party with which he shall have enlisted, before a justice residing in the vicinity of the place, and acting for the division or district where such recruit shall have been enlisted, and not being an officer in the army; and if such recruit shall declare his having voluntarily enlisted, the said justice shall cause to be read to him the notice contained in the schedule to this Act annexed, and shall examine him as to whether he does or does not belong to the militia, and shall require the recruit to sign a declaration in the form in the said schedule, and he is hereby required forthwith to cause to be read over in his own presence to such recruit the first and second article of the second section of the articles of war against mutiny and desertion, and to administer to such recruit the oath of allegiance and fidelity, and oath in the schedule to this Act annexed, for limited or unlimited service, or for service in the forces of the *East India* company, as may be applicable to the case of the recruit, and no other oaths, any thing in any Acts to the contrary notwithstanding; and the said justice is hereby required forthwith to certify, under his hand, the enlisting and swearing, in the form attached to such oaths respectively, together with the place of birth, age, and calling, if known, of such recruit; and if any such recruit so to be certified shall refuse to take the oath of allegiance and fidelity before the said justice, it shall be lawful for the officer or non-commissioned officer with whom he enlisted to detain and confine such person until he shall take the said oath of fidelity.

Dissent and Relief from Enlistment.

XXXIII. And be it enacted, That any recruit appearing as aforesaid before such justice shall be at liberty to declare his dissent to such enlisting, and upon such declaration, and returning the enlisting money, and also paying the sum of twenty shillings for the charges expended upon him, together with the full amount of subsistence and beer money which shall have been paid to such recruit subsequent to the period of his having been enlisted, shall be forthwith discharged and set at liberty, in the presence of such justice; but if such person shall refuse or neglect, within the space of twenty-four hours after so declaring his dissent, to return such money as aforesaid, he shall be deemed and taken to be enlisted as if he had given his assent thereto before the said justice: Provided also, that it shall be lawful for any justice to discharge any person who shall

10 Geo. IV. c. 6.

have hastily enlisted, and who shall apply to him to declare his dissent within such four days as aforesaid, upon payment of the sum of money required to be paid by any recruit declaring his dissent under this Act, notwithstanding no person belonging to the recruiting party shall be with the recruit, if it shall appear to such justice, upon proof to his satisfaction, that the recruiting party has left the place where such recruit was enlisted, or that the recruit could not procure any person belonging to such party to go with him before the justice; and the sum paid by such recruit upon his discharge shall be kept by the justice, and paid to any person belonging to the recruiting party entitled thereto demanding the same; provided that no recruit who has been actually, though erroneously, discharged by the justice, before the expiration of twenty-four hours after the time of his enlistment, shall be liable on that account to be proceeded against as having deserted from his Majesty's service; and the justice who shall discharge any recruit shall in every case give a certificate thereof, signed with his hand, to the recruit, specifying the cause thereof.

Offences connected with Enlistment.

XXXIV. And be it enacted, That if any recruit shall receive the enlisting money from any person employed in the recruiting service (knowing it to be such), and shall abscond or refuse to go before such justice, or shall thereafter absent himself from the recruiting party or person with whom he enlisted, and shall not voluntarily return to go before some justice within such period of four days aforesaid, such recruit shall be deemed to be enlisted and a soldier in his Majesty's service, as fully to all intents and purposes as if he had been duly attested, and may be apprehended and punished as a deserter, or for being absent without leave, under any articles of war made for punishment of mutiny and desertion; and such recruit shall not be discharged by any justice of the peace after the expiration of such four days as aforesaid, unless it shall be proved to the satisfaction of such justice that the true name and residence of the recruit was disclosed and known to the recruiting party, and that no notice was given to the recruit, or left at his usual place of abode, of his having so enlisted; provided that in every case wherein any recruit shall have received enlisting money, and shall have absconded from the party, so that it shall not be possible immediately to apprehend and bring him before a justice, the officer or non-commissioned officer commanding the party shall produce to the justice before whom the recruit ought regularly to have been brought for attestation a certificate of the name and place of residence of such recruit; and the justice to whom such certificate shall be produced shall, after satisfying himself that the recruit who had absconded cannot be found and apprehended, transmit a duplicate thereof to his Majesty's secretary at war, or, if in *Ireland*, to the chief secretary, in order that, in the event of such recruit being afterwards apprehended and reported as a deserter, the facts of his having received enlisting money, and having absconded after having been enlisted, may be ascertained before he be finally adjudged to be a deserter; and any recruit who shall enlist into his Majesty's forces, and who shall be discovered to be incapable of active service by reason of any infirmity concealed or not declared by such recruit before the justice at the time of his attestation, and mentioned at the foot, thereof may be transferred into any garrison or veteran or invalid battalion, or into his Majesty's marine forces, notwithstanding he shall have enlisted for any particular regiment, and shall be entitled to receive such proportion or residue of bounty only as his Majesty may allow in that behalf, instead of the bounty upon which such man shall have been enlisted, any thing in any Act or Acts, or any rules and regulations relating to soldiers, to the contrary notwithstanding; and it shall be lawful for any two justices before whom such recruit shall be brought, and who shall be proved, upon oath before them, to have wilfully concealed any such infirmity upon being attested, or to have designedly made any false representation as aforesaid, to adjudge such person to be a rogue and vagabond, and to sentence him to such punishment as by any law now in force may be inflicted upon rogues and vagabonds and vagrants and incorrigible rogues; and any recruit who shall designedly make any false representation of any particular contained in the oaths and cer-

tificates in the schedule to this Act annexed, before the justice at the time of his attestation, and shall obtain any enlisting money, or any bounty for entering into his Majesty's service, or any other money, shall be deemed guilty of obtaining money under false pretences, within the true intent and meaning, if in *England*, of an Act, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith;* and if in *Ireland*, of an Act passed in the ninth year of the reign of his present Majesty, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other offences connected therewith;* and the production of such certificate, and proof of the handwriting of the justice giving such certificate, shall be sufficient evidence of such party having represented the several particulars contained in the oath sworn by him, and specified in the certificate of the justice at the time of his being attested; and that proof by the oath of one or more credible witnesses, that the person so prosecuted hath voluntarily acknowledged that at the time of his enlistment he belonged to the militia, or to any regiment in his Majesty's service, or to his Majesty's navy or marines, shall be deemed and taken as evidence of the fact so by him acknowledged, without production of any roll or other document to prove the same; and any man who at the time of offering to enlist shall deny that he is a militia man then actually inrolled and engaged to serve, or shall deny to the justice before whom he shall be attested that he belongs to the militia, shall, on conviction thereof before any one justice in the United Kingdom, either upon oath of one witness or upon his own confession, or upon the production of the attestation, and the before-mentioned declaration of such person, certified by the secretary at war, or deputy secretary at war, be committed to the common gaol or house of correction, there to remain without bail or mainprize for and during any time not exceeding six calendar months, over and above any penalty or punishment to which such person so offending may be otherwise liable; and shall, from the day on which his engagement to serve in the militia shall end, and not sooner, belong as a soldier to the corps of his Majesty's regular forces or of the *East India* company's forces, into which he shall have so enlisted; provided that every such person shall be liable to serve, within the United Kingdom of *Great Britain* and *Ireland*, in any regiment, battalion, or corps of his Majesty's regular forces, or of the *East India* company's forces, in which he has so enlisted, during all the time the militia to which he shall belong shall remain disembodied, or shall not be called out for training or exercise, and shall during all such time be subject to all the provisions of this Act, and liable to be apprehended and dealt with and punished as a deserter from the corps in which he shall have so enlisted, if he shall neglect or refuse to join and serve in such corps as aforesaid.

Penalty on Officers offending against Laws regarding Enlistment.

XXXV. And be it enacted, That every military officer who shall act contrary to the provisions of this Act in any respect regarding the enlisting and attesting of recruits for his Majesty's service, shall, upon proof thereof, upon oath by two witnesses before a general court-martial, which is hereby authorized to administer such oath, be cashiered, and disabled to hold any civil or military office or employment in his Majesty's service.

Enlistment and Re-enlistment Abroad.

XXXVI. And whereas it is expedient that provisions should be made for the enlisting and attesting of soldiers desirous of re-enlisting, and others desirous of enlisting, abroad; be it therefore enacted, That it shall be lawful for any person duly appointed by his Majesty by any warrant signed by the secretary at war in that behalf, and not being a general officer nor holding any regimental commission, to enlist and attest, out of *Great Britain* or *Ireland*, any soldiers or persons desirous of enlisting or re-enlisting into his Majesty's service; and any person so appointed shall have the same powers in that behalf as are given to justices in the United Kingdom for all such purposes of enlistment and attestation; and any person so enlisted or re-enlisted shall be deemed to be an attested soldier; and as often as any corps shall be relieved or be disbanded at any station beyond the seas, it shall be lawful for any officers thereunto authorized by

10 Geo. IV. c. 6.

the officer commanding in chief at such station, to enlist as many of the soldiers belonging to the corps leaving the station as shall be willing and fit for service for any corps appointed to remain; and every soldier so enlisted is hereby deemed to be discharged from his former corps; and an attested certificate of transfer shall be delivered to the soldier.

Enlistment of Negroes.

XXXVII. And be it enacted, That all negroes purchased by or on account of his Majesty, his heirs and successors, and serving in any of his Majesty's forces, shall be deemed and taken to be free in every respect as if born free in any part of his Majesty's dominions, and shall be considered as soldiers having voluntarily enlisted in his Majesty's service; provided that nothing contained in this Act as to enlisting for limited periods of service, or in any other Act as to any rules or regulations for granting pensions or allowances to soldiers discharged after certain periods of service, shall extend to any negroes so purchased.

Apprentice enlisting not exempt from Military Service.

XXXVIII. And be it enacted, That any person duly bound as an apprentice who shall enlist as a soldier in his Majesty's land service, and shall state to the magistrate before whom he shall be carried and attested that he is not an apprentice, shall, on conviction thereof, be liable to be indicted and punished for obtaining money under false pretences, and shall, after the expiration of his apprenticeship, whether he shall have been so convicted and punished, or not, be liable to serve as a soldier in any of his Majesty's regular forces; and if on the expiration of his apprenticeship he shall not deliver himself up to some officer authorized to receive recruits, may be taken as a deserter from his Majesty's forces.

Claims of Masters to Apprentices.

XXXIX. And be it enacted, That no master shall be entitled to claim an apprentice who shall enlist as a soldier in his Majesty's service, unless he shall, within one calendar month after such apprentice shall have left his service, go before some justice and take the oath mentioned in the schedule to this Act annexed, and produce the certificate of such justice of his having taken such oath, which certificate such justice is required to give in the form in the schedule to this Act annexed; and unless such apprentice shall have been bound, if in *England*, for the full term of seven years, not having been above the age of fourteen when so bound, and, if in *Ireland* or in the *British* isles, for the full term of five years at the least, not having been above the age of sixteen when so bound, and, if in *Scotland*, for the full term at least of four years, by a regular contract or indenture of apprenticeship, duly extended, signed, and tested, and binding on both parties by the law of *Scotland*, prior to the period of enlistment, and unless such contract or indenture so duly executed shall, within three months after the commencement of the apprenticeship, and before the period of enlistment, have been produced to a justice of the peace of the county wherein the parties reside, and there shall have been indorsed thereon by such justice a certificate or declaration signed by him, specifying the date when and the person by whom such contract or indenture shall have been so produced, which certificate or declaration such justice of the peace is hereby required to indorse and sign; and unless such apprentice shall, when claimed by such master, be under twenty-one years of age; provided that any master of an apprentice indentured for the sea service shall be entitled to claim and recover him in the form and manner above directed, notwithstanding such apprentice may have been bound for a less term than seven, five, or four years as aforesaid; and any such master, who shall give up the indentures of apprenticeship within one month after the enlisting of such apprentice, shall be entitled to receive, to his own use, so much of the bounty payable to such recruit, after deducting therefrom two guineas to provide him with necessaries, as shall not have been paid to such recruit before notice given of his being an apprentice.

Punishment of Apprentices enlisting.

XL. And be it enacted, That no apprentice claimed by his master shall be taken from any corps or recruiting party but under a warrant of a justice residing near and within whose jurisdiction such apprentice shall then happen to be, before whom he shall be carried, and such justice shall inquire into the matter upon oath, which oath he is hereby empowered to

administer, and shall require the production and proof of the indenture, and that notice of the said warrant has been given to the commanding officer, and a copy thereof left with some officer or non-commissioned officer of the party, and that such person so enlisted declared that he was no apprentice; and such justice, if required by such officer or non-commissioned officer, shall commit the offender to the common gaol of the said place, and shall keep the indenture, to be produced when required, and shall bind over such person as he may think proper to give evidence against the offender, who shall be tried at the next or next succeeding general or quarter sessions of the county, division, or place, unless the court shall on just cause put off the trial; and the production of the indenture, with the certificate of the justices that the same was proved, shall be sufficient evidence of the said indenture; and every such offender, in *Scotland*, may be tried by the judge ordinary in the county or stewartry, in such and the like manner as any person may be tried in *Scotland* for any offence not inferring a capital punishment; provided that any justice not required as aforesaid to commit such apprentice may deliver him to his master.

Musters, and Penalty on false Musters.

XLI. And be it enacted, That musters shall be taken of every regiment, troop, or company in his Majesty's service twice at the least in every year, at such times as shall be appointed; and no soldier shall be absent from such musters, unless properly certified to be employed on some other duty of the regiment, or to be sick, or in prison, or on furlough; and every person who shall give or procure to be given any untrue certificate, whereby to excuse any soldier for his absence from any muster or any other service which he ought to attend or perform, or shall make any false or untrue muster of man or horse, or shall wittingly or willingly allow or sign the muster roll wherein such false muster is contained, or any duplicate thereof, or who shall directly or indirectly take or cause to be taken any money or gratuity for mustering any soldiers, or for signing any muster rolls or duplicate thereof, or shall knowingly muster any person by a wrong name, upon proof thereof upon oath made by two witnesses before a general court-martial, shall for such offence be forthwith cashiered, and shall be thereby utterly disabled to have or hold any civil or military office or employment within the United Kingdom of *Great Britain* and *Ireland*, or in his Majesty's service; and any person who shall falsely be mustered or offer himself to be mustered, or lend or furnish any horse to be falsely mustered, shall, upon oath made by two witnesses before some justice of the peace residing near the place where such muster shall be made, forfeit the sum of twenty pounds; and the informer, if he belong to his Majesty's service, shall, if he demand it, be forthwith discharged.

Musters in and near Westminster.

XLII. And be it enacted, That forty-eight hours' notice shall be given to six justices, not being officers of the army, residing within the city and liberties of *Westminster* and borough of *Southwark*, of the muster to be taken of his Majesty's forces quartered within the said city and liberties and borough; and no officer shall proceed to take such musters, under penalty of fifty pounds, except in the presence of two or more justices, who shall take cognizance of such muster, and sign the same, unless such justices shall neglect to attend, of which neglect, as well as of the proper notice being given to such juctices, oath shall be made, within forty-eight hours after such muster, before any justice; and the officer appointed to take the half-yearly musters of any of his Majesty's forces, at any place ten miles distant from *London*, shall close the muster rolls within twenty-four hours after the said muster has been made, and send a copy thereof, within seven days, to the secretary at war.

Forfeiture of Pay.

XLIII. And be it enacted, That no soldier shall be entitled to pay during his absence from duty in his Majesty's service in consequence of any offence, civil or military, or any imprisonment under any sentence of any court, or by reason of any arrest for debt, or as a prisoner of war; provided that any non-commissioned officer, or any soldier, acquitted of the offence for which he was committed, shall, upon return to his duty in his corps, be entitled to receive all arrears of pay growing due during his con-

10 Geo. IV. c. 6.

finement; and upon rejoining his Majesty's service from being a prisoner of war, due inquiry shall be made by a court-martial, and if it shall be proved to the satisfaction of such court that the said soldier was taken prisoner without wilful neglect of duty on his part, and that he hath not served with or under or in any manner aided the enemy, and that he hath returned as soon as possible to his Majesty's service, he may thereupon be recommended by such court to receive either the whole of such arrears of pay, or a proportion thereof; and no soldier who shall have been confined under any legal sentence shall be allowed to reckon towards pay or pension any part of the period from the day of his first commitment to the day of rejoining his corps; provided that it shall be lawful for his Majesty's secretary at war to order or withhold the payment of the whole or any part of the pay of any officer or soldier during the period of his confinement, whether before or after conviction, or to issue any part of the pay of a prisoner of war which he may think proper.

Furlough Pay.

XLIV. And be it enacted, That when there shall not be any military officer of rank, not inferior to captain, or any adjutant of regular militia, within convenient distance of the place where any non-commissioned officer or soldier on furlough shall be detained by sickness or other casualty rendering necessary any extension of such furlough, it shall be lawful for any justice, who shall be satisfied of such necessity, to grant an extension of furlough for a period not exceeding one month; and the said justice shall immediately certify such extension, and the cause thereof, to the commanding officer of the corps or detachment to which the man belongs, if known, and if not, then to the agent of the regiment, in order that the proper sum may be remitted to the soldier, who shall not during the period of such extension of furlough be liable to be treated as a deserter; provided that nothing herein contained shall be construed to exempt any soldier from trial and punishment, according to the provision of this Act, for any false representation made by him in that behalf to the said justice, or for any breach of discipline committed by him in applying for and obtaining the said extension of furlough.

Marching Money on Discharge.

XLV. And be it enacted, That every soldier entitled to his discharge shall, if then serving abroad, be sent, if he shall so require it, to *Great Britain* or *Ireland* free of expence, and shall be entitled to receive marching money from the place of his being landed (or, if discharged at home, shall receive marching money from the place of his discharge), to the parish or place in which he shall have been originally enlisted.

Commissaries to attest their Accounts.

XLVI. And be it enacted, That all commissaries, upon making up their accounts, and also upon returning from any foreign service, shall take the oath described in the schedule to this Act annexed; which oath, if taken in any part of the United Kingdom, shall be taken before some justice, and, if taken on foreign service, before the officer commanding in chief, or the second in command, or the quarter master or deputy quarter master general, or any assistant quarter master general of the army to which he shall be attached, who shall respectively have power to administer the same.

Issue of Pay of the Army.

XLVII. And be it enacted, That no secretary at war, paymaster general of the army, paymaster, or any other officer whatsoever, or their under officers, shall receive any fees or make any deductions whatsoever out of the pay of any officer or soldier in his Majesty's army, or from their agents, which shall grow due from and after the twenty-fourth day of *March* one thousand eight hundred and twenty-nine, other than the usual deductions, or such other necessary deductions as shall from time to time be required by his Majesty's regulations, or by his Majesty's order signified by the secretary at war; and every paymaster or other officer having received any officer or soldier's pay, who shall unlawfully detain the same for the space of one month, or refuse to pay the same when it shall become due, according to the several rates and agreeably to the several regulations established by his Majesty's orders, shall, upon proof thereof before a court-martial, be discharged from his employment, and shall forfeit one hundred pounds, and the informer, if a soldier, if he demands it, shall be discharged from any further service; provided that it shall be

lawful for his Majesty's secretary at war to give orders for withholding the pay of any officer or soldier for any period during which such officer, non-commissioned officer, or soldier shall be absent without leave, or improperly absent from his corps and from his duty; or, in case of any doubt as to the proper issue of such pay, to withhold it from the parties aforesaid until his Majesty's orders shall have been signified by the secretary at war.

Agent, Penalty for Disobedience.

XLVIII. And for enforcing a prompt observance of the rules and orders for the due appropriation of the public funds applicable to army services, and in order that a true and regular account may be kept and rendered by the agents of the several corps, be it enacted, That the said agents are hereby required to observe such orders as shall from time to time be given by his Majesty under his sign manual, or by the secretary at war, or by his Majesty's chief governor or governors of *Ireland*, or by the lord treasurer or commissioners of the treasury; and if any person, being or having been an agent, shall refuse or neglect to comply with such orders in relation to his duty as agent, or shall unlawfully withhold or detain the pay of any officer or soldier after the space of one month after the receipt thereof, he shall for the first offence forfeit the sum of one hundred pounds; and, if still an agent, for the second offence be discharged from his employment as an army agent, and be utterly disabled to have or hold such employment thereafter; or, if he shall have ceased to be an army agent, shall for the second and every succeeding offence forfeit the sum of two hundred pounds.

How and where Troops may be billetted.

XLIX. And whereas by the petition of right, in the third year of King *Charles* the First, it is enacted and declared, that the people of the land are not by the laws to be burthened with the sojourning of soldiers against their wills; and by a clause in an Act of the Parliament of *England*, made in the thirty-first year of the reign of King *Charles* the Second, for granting a supply to his Majesty of two hundred and six thousand four hundred and sixty-two pounds seventeen shillings and three-pence, for paying and disbanding the forces, it is declared and enacted, that no officer, civil or military, nor other person whomsoever, should from thenceforth presume to place, quarter, or billet any soldier upon any subject or inhabitant of this realm, of any degree, quality, or profession whatsoever, without his consent, and that it shall be lawful for any subject or inhabitant to refuse to quarter any soldier, notwithstanding any warrant or billetting whatsoever: And whereas by an Act passed in *Ireland* in the sixth year of the reign of Queen *Anne*, intituled *An Act to prevent the Disorders that may happen by the marching of Soldiers, and providing Carriages for the Baggage of Soldiers on their March*, it was enacted, that no officer, soldier, or trooper in the army, nor the servant of any officer, nor any attendant on the train of artillery, should, at any time thereafter, be allowed any quarters in any part of *Ireland*, save only during such time as he or they should be and remain in some sea-port town in order to be transported, or during such time as there should be any commotion in any part of *Ireland*, by reason of which emergency the army should be commanded to march from any part of *Ireland* to another: But forasmuch as at this time and during the continuance of this Act there is and may be occasion for the marching and quartering of regiments, troops, and companies in several parts of the United Kingdom of *Great Britain* and *Ireland*, be it further enacted, That it shall be lawful for all constables of parishes and places, and other persons specified in this Act, in *England* and *Ireland*, and they are hereby required, to billet the officers and soldiers in his Majesty's service, and persons receiving pay in his Majesty's army, and the horses belonging to his Majesty's cavalry, and also all staff and field officers' horses, and all bât and baggage horses belonging to any of his Majesty's other forces, when on actual service, not exceeding for each officer the number for which forage is or shall be allowed by his Majesty's regulations, in victualling houses and other houses specified in this Act, (taking care in *Ireland* not to billet less than two men in any one house, except only in case of billetting cavalry as specially provided); and they shall be received by the occupiers of such houses in which they are so allowed to be billet-

10 Geo. IV. c. 6.

ted, and furnished with stables, hay, and straw for such horses as aforesaid, and in *England* with diet and small beer, paying and allowing for the same the several rates that are or shall be established by any Act in force in that respect, and for forage in *Ireland* the rates established by the lord lieutenant or other sufficient authority from time to time, the same to be regulated by the average rate of contracts for forage in *Ireland*, and for the use of stables in *Ireland* four-pence *per* week for each horse, to be paid only during the time when such horses shall be provided with hay and straw by contract, and not by the occupiers of such houses as aforesaid; and at no time when troops are on a march shall any of them, whether infantry or cavalry, be billetted above one mile from the place mentioned in the route; and in all places where cavalry shall be billetted in pursuance of this Act, the men and their horses shall be billetted in one and the same house, except in case of necessity; and in no other case whatsoever shall there be less than one man billetted where there shall be one or two horses, nor less than two men where there shall be four horses, and so in proportion for a greater number; and in such case each man shall be billetted as near his horse as possible; and the constables are hereby required to billet all soldiers and their horses on their march in a just and equal proportion upon the keepers of all houses within one mile of the place mentioned in the route, although some of such houses may be in the adjoining county, in like manner in every respect as if such houses were locally situate within such place; provided that nothing herein contained shall be construed to extend to authorize any constable to billet soldiers out of the county to which such constable belongs, when the constable of the adjoining county shall be present, and undertake to billet the due proportion of men in such adjoining county; and no more billets shall at any time be ordered than there are effective soldiers and horses present to be billetted; all which billets, when made out by such constables, shall be delivered into the hands of the commanding officer present; and if any person shall find himself aggrieved by having an undue proportion of soldiers billetted in his house, and shall prefer his complaint, if against a constable or other person not being a justice, to one or more justices, and if against a justice, then to two or more justices within whose jurisdiction such soldiers are billetted, such justices respectively shall have power to order such of the soldiers to be removed and to be billetted upon other persons, as they shall see cause; and when any of his Majesty's cavalry or any horses as aforesaid shall be billetted upon the occupiers of houses in which officers or soldiers may be quartered by virtue of this Act, who shall have no stables, then and in such case, and upon complaint made by the person having no stables to two or more justices within whose jurisdiction such horses shall be so billetted, it shall be lawful for such justices to order the men and their horses, or horses only, to be billetted upon some other person or persons who have stables by this Act liable to have officers and soldiers billetted upon them, and to order a proper allowance to be paid by the persons relieved to the persons receiving such men and horses, or to be applied in the furnishing the requisite accommodation; and commanding officers may exchange any man or horse billetted in any place with another man or horse billetted in the same place, for the benefit of the service, provided the number of men and horses do not exceed the number at the time billetted on such houses; and the constables are hereby required to billet such men and horses so exchanged accordingly; and it shall be lawful for any justice, at the request of any officer or non-commissioned officer commanding any soldiers requiring billets, to extend any routes or enlarge the district within which billets shall be required, in such manner as shall appear to be most convenient to the troops; provided that, to prevent or punish all abuses in billetting soldiers, it shall be lawful for any justice within his jurisdiction, by warrant or order under his hand, to require any constable to give him an account in writing of the number of officers and soldiers who shall be quartered by such constable, together with the names of the persons upon whom such officers and soldiers are billetted, stating the street or place where such persons dwell, and the signs, if any, belonging to those

houses; and it shall be lawful to billet officers and soldiers in *Scotland* according to the provisions of the laws in force in *Scotland* at the time of its union with *England;* and no officer shall be obliged to pay for his lodging where he shall be regularly billetted, except in the suburbs of *Edinburgh.* 10 Geo. IV. c. 6.

Billetting the Guards in and near Westminster.

L. And be it enacted, That the officers and soldiers of his Majesty's foot guards shall be billetted within the city and liberties of *Westminster,* and places adjacent, lying in the county of *Middlesex,* (except the city of *London,*) and in the county of *Surrey,* and in the borough of *Southwark,* in the same manner and under the same regulations as in other parts of *England,* in all cases for which particular provision is not made by this Act; and the high constable shall, on receipt of the order for billetting soldiers, deliver precepts to the several constables within their respective divisions, in pursuance of which the said constables shall billet such officers and soldiers equally and proportionally on the houses subjected thereto by this Act; and the said constables shall, at every general quarter sessions of the peace to be holden for the said city and liberties, counties and borough respectively, make and deliver to the justices then in open session assembled, upon oath, which oath the said justices are hereby required to administer, lists, signed by them respectively, of the house subject by this Act to receive officers and soldiers, together with the names and rank of all officers and soldiers billetted on each respectively, which lists shall remain with the respective clerks of the peace, for the inspection of all persons, without fee or reward; and such clerk shall forthwith from time to time deliver to any persons who shall require the same true copies of any such lists, upon being paid two-pence a sheet for the same, each sheet to contain at least one hundred and fifty words.

Military Officer not to act as a Justice.

LI. And be it enacted, That no justice having or executing any military office or commission in any part of the United Kingdom shall, directly or indirectly, be concerned in the billetting or appointing quarters for any soldier in the regiment, troop, or company under the immediate command of such justice, but that all warrants, acts, or things so appointed by such justice for or concerning the same shall be void.

Allowance to Innkeepers.

LII. And be it enacted, That in case any victualler or other person on whom soldiers may be billetted, except on the march, shall be desirous to furnish such soldiers with candles, vinegar, and salt *gratis,* and to allow to such soldiers the use of fire and the necessary utensils for dressing and eating their meat, and shall give notice of such his desire to the commanding officer, and shall actually furnish the same, then the soldiers so billetted shall provide their own victuals and small beer; and every officer to whom it belongs to receive or who does actually receive the pay for any officers or soldiers, shall every four days, or before they shall quit their quarters if they shall not remain so long as four days, settle the just demands of all victuallers or other persons upon whom such officers and soldiers are billetted, out of their pay and subsistence, before any part of the said pay or subsistence be distributed to them respectively; and if any officer as aforesaid shall not pay the same, upon complaint and oath made thereof by any two witnesses at the next quarter session for the county or city where such quarters are situated, the secretary at war is hereby required (upon certificate of the justices before whom such oath was made of the sum due upon such accounts, and the persons to whom the same is owing,) to give orders to the regimental agent to pay the said sums, and to charge the same against such officers; and in case of any soldier being suddenly ordered to march, and that the respective commanding officers are not enabled to make payment of the sums due for the lodgings of the men and stabling for the horses, every such officer shall, before his departure, make up the account with every person upon whom such soldier may have been billetted, and sign a certificate thereof, which account and certificate shall be transmitted to the agent of the regiment, who is hereby required to make immediate payment thereof, and to charge the same to the account of such officer.

Use of General Terms.

LIII. And be it enacted, That all clauses and provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and

10 Geo. IV. c. 6.

the town of *Berwick-upon-Tweed;* and all clauses and provisions relating to the *British* isles shall be construed to extend to *Guernsey, Jersey, Alderney, Sark,* and *Man,* and all isles thereto and to *England* and *Ireland* belonging; and all clauses and provisions relating to soldiers shall be construed to extend to non-commissioned officers, unless when otherwise provided; and all clauses and provisions relating to justices shall be construed to extend to all magistrates authorized to act as such in their respective jurisdictions, and to chief magistrates of exclusive local jurisdictions; and all the powers given to and regulations made for the conduct of constables in relation to the billetting of officers and soldiers, and all penalties and forfeitures for any neglect thereof, shall extend to all tithingmen, headboroughs, and such like officers, and high constables and other chief officers and magistrates of cities, towns, villages, hamlets, parishes, and places in *England* and *Ireland*, and on their default or absence, to any justice of the peace inhabiting in or near to any city, town, village, or place, who shall act in the execution of this Act in relation to billetting; and all provisions for billetting officers and soldiers in victualling-houses shall extend and apply to all inns, livery stables, alehouses, and to the houses of sellers of wine by retail, whether *British* or foreign, to be drunk in their own houses, or places thereunto belonging, and to all houses of persons selling brandy, strong waters, cider, or metheglin by retail, in *England* and *Ireland;* and in *Ireland*, when there shall not be found sufficient room in such houses, then to billetting soldiers in such manner as has been heretofore customary; provided that no officer or soldier shall be billetted in *England* in any private houses, or in any canteen held or occupied under the authority of the ordnance department, or upon persons who keep taverns only, being vintners of the city of *London*, admitted to their freedom of the said company in right of patrimony or apprenticeship, notwithstanding such persons who keep such taverns only have taken out victualling licences, nor in the house of any distiller kept for distilling brandy and strong waters, nor in the house of any shopkeeper whose principal dealing shall be more in other goods and merchandize than in brandy and strong waters, so as such distillers and shopkeepers do not permit tippling in such houses, nor in the house of residence in any part of the United Kingdom of any foreign consul duly accredited as such.

Powers and Regulations as to Billets.

Exemptions from Billets.

Supply of Carriages.

LIV. And be it enacted, That for the regular provision of carriages for his Majesty's forces, and their baggage, in their marches in *England* and *Ireland*, all justices of the peace within their several jurisdictions, being duly required thereunto by an order from his Majesty, or the general of his forces, or the master general or lieutenant general of his Majesty's ordnance, if in *England*, or by an order from the lord lieutenant or chief governors of *Ireland*, or from the officer commanding his Majesty's forces in *Ireland*, or other person duly authorized in that behalf, shall on production of such order to such justices by some officer or non-commissioned officer of the regiment so ordered to march, issue a warrant to any constable having authority to act in any place from, through, near, or to which the troops shall be ordered to march, (for each of which warrants the fee of one shilling only shall be paid,) requiring him to provide the carriages, horses and oxen, and drivers therein mentioned, and allowing sufficient time to do the same, specifying the places from and to which the said carriages shall travel, and the number of miles between the places, for which number only so specified payment shall be demanded, and which number of miles shall not, except in cases of pressing emergency, exceed the day's march prescribed in the order of route, and shall in no case exceed twenty-five miles; and the constables receiving such warrants shall order such persons as they shall think proper, having carriages, to furnish the requisite supply, who are hereby required to furnish the same accordingly; and when sufficient carriages cannot be procured within the proper jurisdiction, any justice of the next adjoining jurisdiction shall, by a like course of proceeding, supply the deficiency; and in order that the burthen of providing carriages may fall equally, and to prevent inconvenience arising from there being no justice residing near the place where troops may be quartered on the march, any justice residing nearest to such place may cause a list

10 Geo. IV. c. 6.

to be made out, at least once in every year, of all persons liable to furnish such carriages, and of the number and description of their said carriages, (which lists shall at all seasonable hours be open to the inspection of the said persons,) and may by warrant under his hand authorize the constables within his jurisdiction to give orders to provide carriages, without any special warrant for that purpose, which orders shall be valid in all respects; and all orders for such carriages shall be made from such lists in regular rotation, as far as the same can be done.

Rates to be paid, and Mode of proceeding.

LV. And be it enacted, That the rates to be paid for carriages impressed shall be, in *England*, for every mile which a waggon with four or more horses, or a wain with six oxen, or four oxen and two horses, shall travel, one shilling; and for every mile any waggon with narrow wheels, or any cart with four horses, carrying not less than fifteen hundred weight, shall travel, nine-pence; and for every mile every other cart or carriage with less than four horses, and not carrying fifteen hundred weight, shall travel, sixpence; and in *Ireland*, for every hundred weight loaded on any wheel carriage, one halfpenny *per* mile; and such further rates may be added, not exceeding, in *England*, a total addition *per* mile of four-pence, three-pence, or two-pence, to the respective rates of one shilling, nine-pence, or sixpence, and not exceeding, in *Ireland*, an additional halfpenny *per* mile for every three hundred weight, as may seem reasonable to the justices assembled at general sessions in *England* and *Ireland*, for their respective districts; and the order of such justices at sessions shall specify the average price of hay and oats at the nearest market town at the time of fixing such additional rates, the period for which the order shall be enforced not exceeding ten days beyond the next general sessions, (and no such order shall be valid unless a copy thereof, signed by the presiding magistrate and one other justice shall be transmitted to the secretary at war within three days after the making thereof); and in *England*, when the day's march shall exceed fifteen miles, the justice granting his warrant may fix a further reasonable compensation, not exceeding the usual rate of hire fixed by this Act; and when any additional rates or compensation shall be granted, the justice shall insert in his own hand, in the warrant, the amount thereof, and the date of the order of sessions, if fixed by sessions, and the warrant shall be given to the officer commanding, as his voucher; provided that the officer or non-commissioned officer demanding carriages by virtue of the warrant of a justice shall, in *England*, pay down in hand the proper sums into the hands of the constables providing carriages, who shall give receipts for the same on unstamped paper; and, in *Ireland*, the officers or non-commissioned officers as aforesaid shall pay the owners or drivers of the carriages, and one-third part of such payment shall be made before the carriage be loaded, and all the said payments in *Ireland* shall be made, if required, in presence of a justice or constable; provided that no carriage shall be liable to carry more than thirty hundred weight in *England*, and in *Ireland* no car shall be liable to carry more than six hundred weight, and no dray more than twelve hundred weight; but the owner of such carriages in *Ireland*, consenting to carry a greater weight, shall be paid at the same rate for every hundred weight of the said excess; and the owners of such carriages in *Ireland* shall not be compelled to proceed, though with any less weight, under the sum of three-pence a mile for each car, and sixpence a mile for each dray; and the loading of such carriages in *Ireland* shall be first weighed, if required, at the expence of the owner of the carriage, if the same can be done in a reasonable time, without hinderance of his Majesty's service; and the providing and paying for carriages in *Scotland* shall be regulated by the law in force at the time of the union with *England*; provided that a cart with one or more horses, for which the furnisher shall receive nine-pence a mile, shall be required to carry fifteen hundred weight at the least; provided that no penalties or forfeitures in any Act relating to high-ways or turnpike roads in the United Kingdom shall apply to the number of horses or oxen, or weight of loading of the aforesaid carriages, which shall not on that account be stopped or detained.

10 Geo. IV. c. 6.

Supply of Carriages in Cases of Emergency.

LVI. And be it enacted, That it shall be lawful for his Majesty, or the lord lieutenant or chief governors of *Ireland*, by his or their order, distinctly stating that a case of emergency doth exist, signified by the secretary at war, or, if in *Ireland*, by the chief secretary or under secretary, or the first clerk in the military department, to authorize any general or field officer commanding his Majesty's forces in any district or place or to the chief acting agent for the supply of stores and provisions, by writing under his hand, reciting such order of his Majesty or lord lieutenant or chief governor aforesaid, to require all justices within their several jurisdictions in *England* and *Ireland* to issue their warrants for the provision, not only of waggons, wains, carts, and cars kept by or belonging to any person, and for any use whatsoever, but also of saddle horses, coaches, post chaises, chaises, and other four-wheeled carriages kept for hire, and also of boats, barges, and other vessels used for the transport of any commodities whatsoever upon any canal or navigable river, as shall be mentioned in the said warrants, therein specifying the place and distance to which such carriages or vessels shall go; and on the production of such requisition to such justice by any officer of the corps ordered to be conveyed, or by any officer of the commissariat or ordnance department, such justice shall take all the same proceedings in regard to such additional supply so required on the said emergency as he is by this Act required to take for the ordinary provision of carriages; and all provisions whatsoever of this Act, as regards the procuring of the ordinary supply of carriages, and the duties of officers and non-commissioned officers, justices, constables, and owners of carriages, in that behalf, shall be to all intents and purposes applicable for the providing and payment, according to the rate of posting or of hire usually paid for such other description of carriages or vessels so required on emergency, according to the length of the journey or voyage in each case, but making no allowance for post horse duty, or turnpike, canal, river, or lock tolls, which duty or tolls are hereby declared not to be demandable for such carriages and vessels while employed in such service or returning therefrom; and it shall be lawful to convey thereon, not only the baggage, provisions, and military stores of such regiment or detachment, but also the officers, soldiers, servants, women, children, and other persons of and belonging to the same: and it shall be lawful for the justices of the peace assembled at their quarter sessions to direct the treasurer to pay, without fee, out of the public stock of the county or riding, or if such public stock be insufficient, then out of monies which the said justices shall have power to raise for that purpose, in like manner as for county gaols and bridges, such reasonable sums as shall have been expended by the constables within their respective jurisdictions for the carriages and vessels aforesaid, over and above what was or ought to have been paid by the officer requiring the same, regard being had to the season of the year and condition of the ways by which such carriages and vessels are to pass,

Carriages at Dublin.

LVII. And be it enacted, That whenever it shall be necessary to impress carriages for the march of soldiers from *Dublin*, at least twenty-four hours' notice of such march, and in case of emergency as long notice as the case will admit, shall be given to the lord mayor of *Dublin*, who shall summon a proportionable number of cars and drays, at his discretion, out of the licensed cars and drays and other cars and drays within the county of the said city, and they shall by turns be employed on this duty at the prices and under the regulations herein-before mentioned; and no country cars, drays, or other carriages coming to markets in *Ireland* shall be detained or employed against the will of the owners in carrying the baggage of the army, on any pretence whatsoever.

Routes in Ireland.

LVIII. And be it enacted, That it shall be lawful for the lord lieutenant or other chief governor for the time being of *Ireland*, to depute, by warrant under his hand and seal, some proper person to sign routes for the marching of any of his Majesty's forces in *Ireland*, in the name of such lord lieutenant or chief governor.

Tolls.

LIX. And be it enacted, That all his Majesty's officers and soldiers,

being in proper staff or regimental or military uniform, dress or undress, and their horses on duty or on their march, and all carriages and horses belonging to his Majesty or employed in his service, when conveying persons or baggage, under the provisions of this Act, or returning therefrom, shall be exempted from payment of any duties and tolls on embarking or disembarking from or upon any pier, wharf, quay, or landing place, or passing turnpike roads or bridges, otherwise demandable by virtue of any Act already made or hereafter to be made; provided that nothing herein contained shall exempt any boats, barges, or other vessels employed in conveying the said persons, horses, baggage, or stores along any canal, from payment of tolls, in like manner as other boats, barges, and vessels are liable thereto.

Ferries.

LX. And be it enacted, That when any soldiers on service have occasion in their march to pass regular ferries in *Scotland*, the officer commanding may at his option pass over with his soldiers as passengers, and shall pay for himself and each soldier one half only of the ordinary rate payable by single persons, or may hire the ferry boat for himself and his party, debarring others for that time, and shall in such case pay only half the ordinary rate for such boat.

Penalties upon Civil Subjects offending against the Laws relating to Billets and Carriages.

LXI. And be it enacted, That if any constable or other person, who by virtue of this Act shall be employed in billetting any officers or soldiers in any part of the United Kingdom, shall presume to billet any such officer or soldier in any house not within the meaning of this Act, without the consent of the owner or occupier thereof; or shall neglect or refuse to billet any officer or soldier on duty, when thereunto required, in such manner as is by this Act directed, provided sufficient notice be given before the arrival of such troops; or shall receive, demand, or agree for any money or reward whatsoever, in order to excuse any person from receiving such officer or soldier, or shall quarter any of the wives, children, men, or maid servants of any officer or soldier in any such houses, against the consent of the occupiers; or shall neglect or refuse to execute such warrants of the justices as shall be directed to him for providing carriages, horses, or vessels, or shall demand more than the legal rates for the same; or if any person appointed by such constable to provide carriages, horses, or vessels, shall do any act or thing by which the execution of such warrants shall be hindered; or if any constable shall neglect to deliver in to the justices at quarter sessions lists of officers and soldiers of the foot guards quartered according to the provision of this Act, or shall cause to be delivered defective lists of the same; or if any person, liable by this Act to have any officer or soldier quartered on him, shall refuse to receive or to afford proper accommodation or diet, or to furnish the several things directed to be furnished to officers and soldiers, or shall neglect or refuse to furnish good and sufficient stables, together with good and sufficient hay and straw for each horse, at the rate established by any Act in force in that respect; such constables, victualler, and other persons respectively shall forfeit for every offence any sum not exceeding five pounds nor less than forty shillings.

Penalties upon the Military so offending.

LXII. And be it enacted, That if any military officer shall take upon him to quarter soldiers otherwise than is limited and allowed by this Act, or shall use or offer any menace or compulsion to or upon any mayors, constables, or other civil officers, tending to deter and discourage any of them from performing any part of their duty under this Act, or tending to induce any of them to do any thing contrary to their said duty, such officer shall for every such offence (being thereof convicted before any two or more justices of the county by the oath of two credible witnesses) be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to hold any military employment in his Majesty's service; provided that a certificate thereof shall be transmitted by the said justice to the judge advocate in *London*, who is hereby required to certify the same to the commander in chief and secretary at war, and that the said conviction be affirmed at some quarter sessions of the peace of the said county held next after the expiration of three months after such certificate of the justice shall have been transmitted as aforesaid; and if any military officer shall

10 Geo. IV. c. 6.

take, or knowingly suffer to be taken, any money or reward of any person for excusing the quartering of officers or soldiers, or shall billet any of the wives, children, men or maid servants of any officer or soldier in any house, against the consent of the occupier, he shall, upon being convicted thereof before a general court-martial, be cashiered; and if any officer shall constrain any carriage to travel beyond the distance specified in the justice's warrant, or shall not discharge the same in due time for their return home on the same day, if it be practicable, except in the case of emergency, for which the justice shall have given licence, or shall compel the driver of any carriage to take up any soldier or servant (except such as are sick) or any woman to ride therein, except in case of emergency as aforesaid, or shall force any constable, by threatening words, to provide saddle horses for himself or servants, or shall force horses from their owners, or in *Ireland* shall force the owner to take any loading until the same shall be first duly weighed, if the same can be done within a reasonable time, or shall, contrary to the will of the owner or his servant, permit any person whatsoever to put any greater load upon any carriage than is directed by this Act, shall forfeit for every offence any sum not exceeding five pounds nor less than forty shillings.

Penalty on purchasing Soldiers' Necessaries, Stores, &c.

LXIII. And be it enacted, That any person who shall knowingly detain, buy, exchange, or receive from any soldier or deserter, or any other person, on any pretence whatsoever, or shall solicit or entice any soldier, knowing him to be such, to sell any arms, ammunition, clothes, or military furniture, or any provisions, or any sheets or other articles used in barracks, provided under barrack regulations, or any regimental necessaries, or any article of forage provided for any horses belonging to his Majesty's service, or shall change the colour of any clothes as aforesaid, shall forfeit for every offence the sum of ten pounds, together with treble the value of all or any of the several articles of which such offender shall so become possessed.

Penalty on unlawful Recruiting.

LXIV. And be it enacted, That all the persons (except such recruiting parties as may be stationed under military command) who shall cause to be advertised, posted, or dispersed bills for the purpose of procuring recruits or substitutes for the line, embodied militia, or *East India* company's service, or shall open or keep any house, place of rendezvous, or office, or receive any person therein under such bill or advertisement, as connected with the recruiting service, or shall directly or indirectly interfere therewith, without permission in writing from the adjutant general, or from the directors of the *East India* company, (as the case may be,) shall forfeit for every such offence the sum of twenty pounds.

Penalty on trafficking in Commissions.

LXV. And be it enacted, That every person not being an authorized army agent, who shall negotiate or act as agent for and in relation to the purchase, sale, or exchange of any commission in his Majesty's forces, shall forfeit for every such offence the sum of one hundred pounds; and every person, whether authorized or not as an army agent, who shall receive any money or reward in respect of any such purchase, sale, or exchange, or shall negotiate or receive for any purpose whatsoever any money or consideration where no price is allowed by his Majesty's regulations, or any money or consideration exceeding the amount so allowed, shall forfeit one hundred pounds, and treble the value of the consideration where the commission is not allowed to be sold, or treble the excess of such consideration beyond the regulated price.

Penalty on killing Game.

LXVI. And for the better preservation of game and fish in or near such places where any officers shall at any time be quartered, be it enacted, That every officer who shall, without leave in writing from the persons entitled to grant such leave, take, kill, or destroy any game or fish within the United Kingdom of *Great Britain* and *Ireland*, and upon complaint thereof shall be, upon oath of one or more credible witnesses, convicted before any justice, shall for every such offence forfeit the sum of five pounds.

Officers not liable to take Parish Apprentices.

LXVII. And be it enacted, That no officer of his Majesty's forces, residing in barracks or elsewhere under military law, shall be deemed liable to have any parish poor child bound apprentice to him.

10 Geo. IV. c. 6.

LXVIII. And be it enacted, That any justice in the United Kingdom, within whose jurisdiction any soldier having a wife or child shall be billetted, may summon such soldier before him in the place where he is billetted, (which summons he is hereby directed to obey,) and take his examination in writing, upon oath, touching the place of his last legal settlement in *England*, and such justice shall give an attested copy of such examination to the person examined, to be by him delivered to his commanding officer, to be produced when required; which said examination and such attested copy shall be at any time admitted in evidence as to such last legal settlement before any justice or at any general or quarter sessions, although such soldier be dead or absent from the kingdom; provided that in case any soldier shall be again summoned to make oath as aforesaid, then, on such examination or such attested copy thereof being produced by him or by any other person on his behalf, such soldier shall not be obliged to take any other oath with regard to his legal settlement, but shall leave a copy of such examination, or a copy of such attested copy of examination, if required. Mode of recording Soldier's Settlement.

LXIX. And be it enacted, That it shall be lawful for the justice before whom any recruit shall be attested before the expiration of the term of service for which he had been hired by his master, to adjudge to such recruit a reasonable proportion of his wages for the time he has actually served; and the said justice shall give an order, and enforce within four days the payment of the amount so awarded. Wages of a Servant enlisting.

LXX. And be it enacted, That when any persons shall hold any canteens under proper authority of the board of ordnance, it shall be lawful for any two justices, within their respective jurisdictions, to grant or transfer any beer, wine, or spirit licence to such persons, without regard to the time of year, or to the notices or certificates required by any Act in respect of such licences; and the commissioners of excise, or their proper officers within their respective districts, shall also grant such licences as aforesaid; and such persons so holding canteens, and having such licences, may sell therein victuals, and exciseable liquors, as empowered by such excise licence, without being subject to any penalty or forfeiture. Licences of Canteens.

LXXI. And be it enacted, That all muster rolls and pay lists which are required to be verified upon oath shall be sworn before and attested by any justice, without fee or reward to himself or his clerk. Attestation of Accounts.

LXXII. And be it enacted, That any action which shall be brought against any person for any thing to be done in pursuance of this Act shall be brought within six months, and it shall be lawful for every such person to plead thereunto the general issue of not guilty, and to give all special matter in evidence to the jury which shall try the issue; and if the verdict shall be for the defendant in any such action, or the plaintiff therein become nonsuit, or suffer any discontinuance thereof, or if, in *Scotland*, such court shall see fit to assoilzie the defendant or dismiss the complaint, the court in which the said matter shall be tried shall allow unto the defendant treble costs, for which the said defendant shall have the like remedy as in other cases where costs by the laws of this realm are given to defendants; and every action against any person for any thing to be done in pursuance of this Act, or against any member or minister of a court-martial, in respect of any sentence of such court, or of any thing done by virtue or in pursuance of such sentence, shall be brought in some of the Courts of Record at *Westminster* or in *Dublin*, or the Court of Session in *Scotland*, and in no other court whatsoever. Forms of Actions at Law.

LXXIII. And be it enacted, That all penalties and forfeitures by this Act imposed, not exceeding twenty pounds, over and above any forfeiture of value or treble value, shall and may be recovered in every part of the United Kingdom under the provisions of an Act passed in the third year of the reign of his present Majesty, intituled *An Act to facilitate summary Proceedings before Justices of the Peace and others*, and of another Act passed in the fifth year of the reign of his present Majesty, intituled *An Act for the more effectual Recovery of Penalties before Justices and Magistrates on Conviction of Offenders, for facilitating the Execution of Warrants* Recovery of Penalties.

10 Geo. IV. c. 6.

by Conviction; which said recited Acts shall be used and applied, in *Scotland*, for the recovery of all such penalties and forfeitures, as fully, to all intents, as if the said recited Acts had extended to *Scotland*, any thing in the said recited Acts to the contrary notwithstanding; and all penalties and forfeitures by this Act imposed, exceeding twenty pounds, shall be recovered by action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other court.

Appropriation of Penalties.

LXXIV. And be it enacted, That one moiety of every penalty adjudged or recovered under the provisions of this Act shall go to the person who shall inform or sue for the same, and the other moiety shall be paid to the general agent for the recruiting service, to be at the disposal of the secretary at war; and every justice who shall adjudge any penalty under this Act shall, within four days at the farthest, report the same to the secretary at war.

Perjury under this Act.

LXXV. And be it enacted, That all oaths which are authorized and required by this Act may be administered (unless where otherwise provided) by any justice of the peace, or magistrate acting as such; and that any person taking a false oath in any case wherein an oath is required to be taken by this Act shall be deemed guilty of wilful and corrupt perjury, and being thereof duly convicted shall be liable to such pains and penalties as by any laws now in force any persons convicted of wilful and corrupt perjury are subject and liable to.

Duration of the Act.

LXXVI. And be it enacted, That this Act shall be and continue in force within *Great Britain* from the twenty-fifth day of *March* one thousand eight hundred and twenty-nine, until the twenty-fifth day of *March* one thousand eight hundred and thirty; and shall be and continue in force within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Isle of Man*, and the islands thereto belonging, from the first day of *April* one thousand eight hundred and twenty-nine, until the first day of *April* one thousand eight hundred and thirty; and shall be and continue in force within the garrison of *Gibraltar*, the *Mediterranean*, and in *Spain* and *Portugal*, from the twenty-fifth day of *June* one thousand eight hundred and twenty-nine, until the first day of *July* one thousand eight hundred and thirty; and shall be and continue in force in all other parts of *Europe* where his Majesty's forces may be serving, and in the *West Indies* and *America*, from the twenty-fifth day of *July* one thousand eight hundred and twenty-nine, to the first day of *August* one thousand eight hundred and thirty; and shall be and continue in force within the *Cape of Good Hope*, the *Isle of France*, and *Bourbon*, and islands thereto belonging, *Saint Helena*, and the western coast of *Africa*, from the twenty-fifth day of *October* one thousand eight hundred and twenty-nine, to the first day of *November* one thousand eight hundred and thirty; and shall be and continue in force in all other places from the twenty-fifth day of *November* one thousand eight hundred and twenty-nine, to the first day of *December* one thousand eight hundred and thirty: Provided that this Act shall, from and after the receipt and promulgation thereof in general orders in any part of his Majesty's dominions beyond the seas, become and be in full force; any thing herein-before contained to the contrary notwithstanding.

Alteration of the Act.

LXXVII. And be it enacted, That this Act may be altered, varied, or repealed by any Act or Acts to be passed in this session of Parliament.

SCHEDULES to which this Act refers.

FORM of OATHS to be taken by MEMBERS of COURTS-MARTIAL.

You shall well and truly try and determine according to the evidence in the matter now before you. *So help you GOD.*

I do swear, *That I will duly administer justice*, according to the rules and articles for the better government of his Majesty's forces, and according to an Act now in force for the punishment of mutiny and desertion, and other crimes therein mentioned, without par-

tiality, favour, or affection, and if any doubt shall arise which is not explained by the said articles or Act, according to my conscience, the best of my understanding, and the custom of war in the like cases: And I further swear, That I will not divulge the sentence of the court until it shall be duly approved; neither will I, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness by a court of justice or a court-martial in a due course of law.

So help me GOD.

FORM of OATH of JUDGE ADVOCATE.

I do swear, That I will not, upon any account whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness by a court of justice or a court-martial in a due course of law.

So help me GOD.

NOTICE to be given to all RECRUITS before their Attestation.

Any man who is enrolled in the militia, and who, upon offering to enlist in the army, denies that he belongs to the militia, is liable, upon conviction before a magistrate, to be committed to prison for six months, over and above any other penalty or punishment which he may thereby incur for obtaining money on false pretences.

DECLARATION of the RECRUIT.

I do hereby acknowledge, That the above notice has been read over to me, and that I was strictly questioned by * whether I did or did not belong to the militia, and that I answered that I did not. I also hereby declare, that I did not then and do not now belong to the militia.

_____ Signature of Recruit.

Signed in my presence _____

Justice of the Peace.

* This blank to be filled up by the name of the non-commissioned officer or man who actually enlisted the recruit.

OATH of ALLEGIANCE and FIDELITY.

I swear, That I will be faithful and bear true allegiance to his Majesty his heirs and successors; and that I will, as in duty bound, honestly and faithfully defend his Majesty, his heirs and successors, in person, crown, and dignity, against all enemies; and will observe and obey all orders of his Majesty, his heirs and successors, and of the generals and officers set over me.

So help me GOD.

FORM of OATH to be taken by a RECRUIT enlisting for unlimited or limited Service.

I do make oath, That [I am or have been, *as the case may be, state occupation, if any, or state if none,*] and to the best of my knowledge and belief was born in [*state county, parish, place, et cetera*], and that I am of the age of years; that I do not belong to the militia, or to any other regiment, or to his Majesty's navy or marines; and that I will serve his Majesty, his heirs and successors, [*if for unlimited service*] "until I shall be legally discharged;" [*if for limited service*] *then* "for the period of

[*This blank to be filled up by the justice, with seven years for infantry, ten years for cavalry, and twelve years for the artillery, if the person enlisting is of the age of eighteen years or upwards; but if under eighteen years of age,*

then the difference between his age and eighteen to be added to such seven, ten, or twelve years, as the case may be] years, provided his Majesty should for so long require my service, and also for such further term, not exceeding six months, as shall be directed by the commanding officer on any foreign station, and not exceeding three years, as shall be directed by any proclamation of his Majesty; such additional period in the latter case to determine whenever six months of continued peace, to be reckoned from the ratification of any definitive treaty, shall have elapsed subsequent to the expiration of the said [seven, ten, *or* twelve, *as the case may be*] years."

FORM of CERTIFICATE to be given by the JUSTICE before whom a RECRUIT is attested for His Majesty's Service.

I one of his Majesty's justices of the peace of [*or* chief magistrate of], do hereby certify, That appearing to be years old, feet inches high, complexion, eyes, hair, came before me at on the day of one thousand eight hundred and and stated himself to be of the age of years, and that he had no rupture, and was not troubled with fits, and was no ways disabled by lameness, deafness, or otherwise, but had the perfect use of his limbs and hearing, and was not an apprentice; and acknowledged that he had voluntarily enlisted himself for the bounty of to serve his Majesty, his heirs and successors, in the regiment of commanded by and did engage to serve [*if the person is enlisting for unlimited service, the justice is to insert the words* "until he should be legally discharged;"] *and if the person enlists for limited service, then this blank to be filled up with* "for the period of " [*This blank to be filled up by the justice, with seven years for infantry, ten years for cavalry, and twelve years for the artillery, if the person enlisting is of the age of eighteen years or upwards; but if under eighteen years, then the difference between his age and eighteen to be added to such seven, ten, or twelve years, as the case may be;*] provided his Majesty should for so long require his services, and also for such further period as his Majesty shall please to direct, not to exceed in any case three years, and to determine whenever six months shall have elapsed of continued peace subsequent to the expiration of the term of [seven, *or* ten, *or* twelve] years: And I do hereby certify, That in my presence the first and second articles of the second section of the articles of war against mutiny and desertion, and the notice contained in the schedule annexed to the Act for punishing mutiny and desertion, were read over to him; and that he took the oath of allegiance and fidelity, and also the oath above set forth; and that he received the sum of on being attested; and that I have given to the said a duplicate of this certificate, signed with my name.

OATH of ALLEGIANCE and FIDELITY, to be taken by a RECRUIT enlisting for either His Majesty's or the *East India* Company's Service.

I being enlisted to serve either in his Majesty's troops or in the forces of the *East India* company, according as his Majesty shall think fit, do swear, That I will be faithful and bear true allegiance to his Majesty, his heirs and successors; and that I will, as in duty bound, honestly and faithfully defend his Majesty, his heirs and successors, in person, crown, and dignity, against all enemies; and will observe and obey all orders of his Majesty, his heirs and successors, and of the generals and officers set over me: And that if his Majesty, his heirs or successors, shall please to appoint me to serve in the forces of the united company of merchants of *England* trading to the *East Indies*, then I swear, That I will also be true to the said united company, and

will duly observe and obey all their orders, and the orders of their generals and officers who shall be lawfully set over me. 10 Geo. IV. c. 6.

CERTIFICATE to be given by the JUSTICE before whom a Recruit is attested, who has enlisted for the Service either of His Majesty or the *East India* Company.

to wit. } I one of his Majesty's justices of the peace of , certify, That , aged years, feet inches high, complexion, eyes, hair, came before me at on the day of one thousand eight hundred and , and acknowledged that he had voluntarily enlisted himself for the bounty of to serve either in his Majesty's army or in the forces of the *East India* company, according as his Majesty shall think fit to order: And I further certify, That in my presence annexed to the Act for punishing mutiny and desertion, were read over to him; and that he took the oath of allegiance and fidelity; and that he received the sum of on being attested.

OATH to be taken by a RECRUIT enlisting into the *East India* Company's Service.

I being enlisted to serve in the [infantry *or* artillery, *as the case may be*] of the *East India* company, do swear, That I will be faithful and bear true allegiance to his Majesty, his heirs and successors; and that I will, as in duty bound, honestly and faithfully defend his Majesty, his heirs and successors, in person, crown, and dignity, against all enemies; and will observe and obey all orders of his Majesty, his heirs and successors, and of the generals and officers set over me; and I swear that I will also be true to the said united company, and will duly observe and obey all their orders, and the orders of their generals and officers who shall be lawfully set over me.

FURTHER OATH to be taken by a RECRUIT enlisting into the *East India* Company's Service.

I do make oath, That I am (*or* have been, *as the case* may be) [*state occupation, if any, or state if none*], and to the best of my knowledge and belief was born in [*state county, parish, or place, et cetera*], and that I am of the age of years; and that I do not belong to the militia, or to any regiment in his Majesty's service, or to his Majesty's navy or marines; and that I will serve the united company of merchants of *England* trading to the *East Indies*, until I shall be duly and legally discharged; [*or if the recruit enlists for limited service, then insert* for the period of twelve years;] [*if the person enlisting is of the age of eighteen years or upwards, but if under eighteen years, then the difference between his age and eighteen to be added to such twelve years, as the case may be, and such period to be inserted instead of twelve years*], provided the said united company should so long require my service.

CERTIFICATE to be given by a JUSTICE before whom a Recruit is attested for the Service of the *East India* Company.

I one of his Majesty's justices of the peace of [*or* chief magistrate of] do hereby certify, That appeared to be years old, feet inches high, complexion, eyes, hair, came before me at on the day of and stated himself to be of the age of years, and that he had no rupture, and was not troubled with fits, and was no ways disabled by lameness, deafness,

10 Geo. IV. c. 6.

or otherwise, but had the perfect use of his limbs and hearing, and was not an apprentice legally bound so as to prevent his enlisting, and acknowledged that he had voluntarily enlisted himself for the bounty of to serve the united company of merchants of *England* trading to the *East Indies*, and did engage to serve for the period of [*This blank to be filled up by the magistrate, either until discharged or for years, as in the preceding form of enlistment*]: And I do hereby certify, That in my presence the of the articles of war against mutiny and desertion, and the notice contained in the schedule annexed to the Act for punishing mutiny and desertion, were read over to him; and he took the oath of fidelity mentioned in the Act of the fiftieth year of his late Majesty King *George* the Third, and also the oath above set forth; and that he received the sum of on being attested; and that I have given to the said a duplicate of this certificate, signed with my name.

FORM of OATH to be taken by a MASTER whose Apprentice has absconded.

I of do make oath, That I am by trade a , and that was bound to serve as an apprentice to me in the said trade, by indenture dated the day of for the term of years; and that the said did on or about the day of abscond and quit my service without my consent; and that to the best of my knowledge and belief the said is aged about years. Witness my hand at the day of one thousand eight hundred and

Sworn before me at this day of one thousand eight hundred and

---

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an Apprentice.

to wit. } I of one of his Majesty's justices of the peace certify, That of came before me at the day of one thousand eight hundred and , and made oath that he was by trade a , and that was bound to serve as an apprentice to him in the said trade, by indenture dated the day of for the term of years; and that the said apprentice did on or about the day of abscond and quit the service of the said without his consent, and that to the best of his knowledge and belief the said apprentice is aged about years.

FORM of OATH of ATTESTATION of a COMMISSARY'S ACCOUNTS.

I do hereby make oath, That I have not applied any money or stores, or supplies, under my care or distribution, to my own use, or to the private use of any other person, by way of loan to such person or otherwise, or in any manner applied them, or knowingly permitted them to be applied, to any other than public purposes, and according to the duty of my office.

Sworn before me by the within-named this day of

Justice of the Peace for the County of , or *Commander in Chief*, or *Second in command*, et cetera, *the Army serving in* et cetera, [*as the case may be.*]

DESCRIPTION RETURN of committed to Confinement at on the day of
as a Deserter from the Battalion of the Regiment of

Age.	Size.		Complexion.	Colour of		Marks.	Probable date of enlistment, and in what district.	Probable date of desertion, and from whence.	Name, occupation, and address of the person by whom apprehended.	Particulars of the evidence upon which the prisoner is committed.	Whether the prisoner confessed before the magistrate that he is a deserter.
	Feet.	Inches.		Hair.	Eyes.						

I do hereby certify, that the prisoner has been duly examined before me as to the circumstances herein stated, and has declared in my presence that he* a deserter from the before mentioned corps.

———— *Signature and address of Magistrate.*
———— *Signature of Prisoner.*
———— *Signature of Informant.*

* Insert "is" or "is not" as the case may be.

* I certify that I have inspected the Prisoner, and consider him fit for active service.

———— *Signature of Surgeon.*

* If a military medical officer be at or near the place, he will inspect the deserter, and report as to his fitness for military service.

PART VII.—CLASS III.

BILLETTING ACT.

10 Geo. IV. c. 9.—An Act for fixing, until the Twenty-fifth day of *March* One thousand eight hundred and thirty, the Rates of Subsistence to be paid to Innkeepers and others on quartering Soldiers.—[13*th April* 1829.]

10 Geo. IV. c. 9.
10 G. 4. c. 6.

WHEREAS by an Act passed in the present session of Parliament, for punishing mutiny and desertion, and for the better payment of the army and their quarters, it is (amongst other things) enacted, that officers and soldiers shall be furnished with diet and small beer, upon paying and allowing for the same the several rates that are or shall be established by any Act or Acts; and an option is given to innholders and others upon whom officers and soldiers are quartered and billetted, to furnish certain articles *gratis* in lieu of diet and small beer; and it is just and expedient that an adequate allowance shall be made and established for provision and other articles furnished to officers and soldiers: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That every non-commissioned officer and private soldier who shall be furnished with diet and small beer, within those parts of the United Kingdom specified in the said recited Act, by the innholders or other persons on whom such non-commissioned officers or private soldiers shall be quartered and billetted by virtue of this Act, shall pay and allow for the same the sum of one shilling *per diem;* and that for such allowance of one shilling, the innholder or other person shall furnish one meal, *videlicet*, a hot dinner, if required, in each day, to each non-commissioned officer, trumpeter, drummer, and private soldier quartered and billetted on him, to consist of such quantity of diet and small beer as have been or shall be specified and fixed in and by any regulations made or to be made from time to time by his Majesty in that behalf, but not to exceed one pound and a quarter of meat previous to being dressed, one pound of bread, one pound of potatoes or other vegetables previous to being cooked, and two pints of small beer, and vinegar, salt, and pepper; and that the accounts of the same shall be rendered, and payment thereof made, in like manner as is directed by the said Act.

Allowance for the Diet of Non-commissioned Officers and Soldiers, 1*s.* per Day.

II. And be it further enacted, That in case any innholders or other persons, on whom any non-commissioned officers or private men shall be quartered within the aforesaid parts of the United Kingdom, shall, by virtue of the said option in the said Act, furnish such non-commissioned officers or soldiers with the articles therein mentioned, in lieu of furnishing diet and small beer at the rates prescribed by this Act, such innholders or other persons on whom such non-commissioned officers or soldiers are quartered, and by whom the said articles shall have been so supplied, shall receive in consideration thereof one halfpenny *per diem* for each non-commissioned officer and soldier; which sum of one halfpenny *per diem* shall be accounted for and paid in like manner as is directed touching the rates aforesaid.

Allowance for certain Articles furnished in lieu of Diet and Small Beer.

10 Geo. IV. c. 9.

III. And be it further enacted, That the sum to be paid to the inn-holder or other person within the aforesaid parts of the United Kingdom, on whom any of the horses belonging to his Majesty's forces shall be quartered by virtue of the said Act, for hay and straw, shall be ten-pence *per diem* for each horse.

Allowance fo Horses.

IV. And be it further enacted, That all non-commissioned officers and soldiers shall be entitled to receive their diet and small beer from the inn-holders or other persons on whom they may be billetted, within the aforesaid parts of the United Kingdom, at the rates hereinbefore prescribed, while on the march, as also on and for the day of their arrival at the place of their final destination, and on the two subsequent days, unless either of the two subsequent days shall be a market day in and for the town or place where such officers or soldiers shall be billetted, or within the distance of two miles thereof; in which case it shall be lawful for the inn-holder or other person as aforesaid to discontinue on and from such market day the supply of diet and small beer, and to furnish in lieu thereof the articles in the said recited Act specified, and at the rates herein-before prescribed.

For dieting Non-Commissioned Officers and Soldiers on their March.

V. Provided always, That if any victualler or other person, liable by the said recited Act to have soldiers billetted or quartered on him or her, shall pay any sum or sums of money to any non-commissioned officer or soldier on the march, in lieu of furnishing in kind the diet and small beer to which such non-commissioned officer or soldier is entitled under the said Act, every such victualler or other person may be proceeded against and fined in like manner as if he or she had refused to furnish or allow, according to the directions of the said recited Act, the several things respectively directed to be furnished to non-commissioned officers or soldiers so quartered or billetted on him or her as aforesaid.

Persons paying Money to Soldiers on the March, in lieu of furnishing Diet and Small Beer, liable to be fined.

VI. Provided also, and be it further enacted, That if any regiment, troop, company, or detachment, when on the march, shall be halted, either for a limited or indefinite time, at any intermediate place, the non-commissioned officers and soldiers belonging thereto shall be entitled to receive their diet and small beer from the persons on whom they shall be billetted at such intermediate place, for such time only for which they would be entitled to receive the same after arriving at the place of their final destination, according to this Act: Provided nevertheless, that whenever it shall happen that any regiment, troop, company, or detachment, when on their march, shall be halted, and it shall appear by the marching orders that it is not intended that such regiment, troop, company, or detachment shall halt for any longer time than one entire day after the day of their arrival at the place of halting, and the day after such arrival shall be such market day as aforesaid, it shall not be lawful for the innholders or other persons on whom the non-commissioned officers and soldiers shall be billetted, to discontinue on such market day the supply of diet and small beer to any such officers or soldiers; but that all such officers and soldiers shall be entitled to receive their diet and small beer from such innholders and other persons aforesaid, upon such market day as aforesaid, at the rates herein-before prescribed, in like manner as they would have been entitled thereto if such day had not been a market day; any thing herein-before contained to the contrary thereof notwithstanding.

Regulations as to the dieting of Soldiers when halted on a March.

VII. And be it further enacted, That all non-commissioned officers and private men employed in recruiting, and the recruits by them raised, shall, while on the march, and for two days after the day of their arrival at any recruiting station, be entitled to the same benefits as are herein-before provided in regard to troops upon the march; but no recruit enlisted after the two days subsequent to the arrival of the party at their recruiting station shall be entitled to be supplied with diet and small beer at the rates herein-before prescribed, except at the option of the person on whom he shall be quartered: Provided also nevertheless, that in case any such recruiting party, with the recruits by them raised, shall remove from their station, and after a time shall return to the same place, they and the recruits by them raised, so returning, shall not be again entitled to

Recruiting Parties and Recruits on their March.

10 Geo. IV. c. 9.

the supply of diet and small beer for such two days as aforesaid, unless the period between the time of their removal from such place, and their return thereto, shall have exceeded twenty-eight days.

Continuance of Act.

VIII. And be it further enacted, That this Act shall have continuance and be in force from the twenty-fourth day of *March* one thousand eight hundred and twenty-nine, until the twenty-fifth day of *March* one thousand eight hundred and thirty; and that all payments which have been made, and all acts, matters, and things done in pursuance of or in conformity with the provisions thereof, shall be as good, valid, and effectual, to all intents and purposes, as if this Act had passed before the said twenty-fourth day of *March* one thousand eight hundred and twenty-nine.

Act may be altered this Session.

IX. And be it further enacted, That this Act may be altered, amended, or repealed by any Act to be passed in this session of Parliament.

PART VII.—CLASS IV.

DISEMBODIED MILITIA ACT.

10 Geo. IV. c. 10.—An Act to suspend, until the End of the next Session of Parliament, the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom, and to reduce the permanent Staff, and regulate the Allowances of Serjeants hereafter appointed.—[13th *April* 1829.]

SECT. I. General and subdivision meetings relating to the militia suspended.
II. Proceedings may be had, during such suspension, by order in council.
III. Permanent staff to be reduced.
IV. Amount of pensions to serjeants hereafter appointed.
V. Not to apply to serjeants already appointed.
VI. Rules to be laid before Parliament.
VII. Act to extend to the stannaries.

10 Geo. IV. c. 29.—An Act to defray the Charge of the Pay, Clothing, and contingent and other Expences of the Disembodied Militia in *Great Britain* and *Ireland;* and to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia, until the Twenty-fifth day of *March* one thousand eight hundred and thirty.—[1*st June* 1829.]

10 Geo. IV. c. 29.

WHEREAS it is necessary that provision should be made for defraying the charge of the pay, clothing, and contingent and other expences of the regular militia, and of the miners of *Cornwall* and *Devon*, when disembodied, in *Great Britain* and *Ireland;* and also for making allow-

10 Geo. IV. c. 29.

ances of reduced pay in certain cases to subaltern officers and surgeons' mates of the regular militia, and of the miners of *Devon* and *Cornwall*, in *Great Britain*, while disembodied; and also an allowance to adjutants, paymasters, surgeons, quartermasters, and serjeant majors of the regular militia, who have been or may be reduced, and to adjutants, surgeons, and quartermasters after long service; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That the secretary at war for the time being may and shall, and he is hereby authorized, empowered, and required to cause to be issued and paid the whole sum required for the regular militia of *Great Britain* and *Ireland* (when disembodied), in the manner and for the several uses herein-after mentioned; (that is say,) for the pay of the said regular militia at the rates following; (that is to say,)

Secretary at War to issue the Money required for the Pay of the Regular Militia.

For each adjutant, eight shillings *per diem:*

Rates of Pay.

For each serjeant major, having been serjeant major of a provisional battalion of militia, two shillings and sixpence *per diem:*

For each serjeant major, where one is appointed in corps consisting of two or more companies, one shilling and ten-pence *per diem:*

For each serjeant, having been a colour serjeant in one of the provisional battalions of militia, two shillings *per diem:*

For each serjeant doing the duty of quartermaster serjeant, one shilling and ten-pence *per diem:*

For each serjeant, one shilling and sixpence *per diem:*

For each drum major, where one is appointed in corps consisting of eight or more companies, one shilling and sixpence *per diem:*

For each drummer, one shilling *per diem:*

Provided always, that when any serjeant or drummer shall be absent on furlough or licence, such serjeant or drummer shall during such absence receive sixpence *per diem* less than the above-mentioned rates respectively:

Rates of Pay when absent on Furlough.

And also for the clothing of the regular militia (when disembodied), in cases in which full clothing shall be provided by the colonel or commandant, at the rate of five pounds twelve shillings and one penny for each serjeant major and serjeant doing the duty of quartermaster serjeant; three pounds for each serjeant; two pounds eighteen shillings and sevenpence for each drum major and drummer; and one pound seventeen shillings for each private man; and so in proportion, in the cases in which only part of the clothing shall be provided by the colonel or commandant, together with the actual expence of package and carriage, and such charges for altering and fitting the clothing as shall have been notified by the secretary at war; and that such serjeant majors, serjeants acting as quartermaster serjeants, drum majors, serjeants, and drummers, as are now serving on the disembodied staff, and shall be resident at head quarters, shall be clothed once in two years; and that such as shall, after the passing of this Act, be appointed to serve on the disembodied staff, shall be clothed once in four years:

Clothing.

And also at the rate of one penny *per* month for each private man and drummer or fifer for defraying the contingent expences of each regiment, battalion, or corps.

Contingent Fund.

II. And be it further enacted, That every adjutant, non-commissioned officer, and drummer on the staff of the regular militia, when disembodied, shall be constantly resident within the city, town, or place where the arms of the corps to which they belong are kept, or within such reasonable distance of the depôt as shall be sanctioned by the secretary at war: Provided always, that every such adjutant, non-commissioned officer, and drummer shall forfeit his pay for any period during which he shall be absent, except when absent by leave from the colonel or commandant of the regiment, battalion, or corps, which leave shall not extend beyond three calendar months in one year, nor to a greater proportion than one-third of the non-

Adjutant, &c., to reside where the Arms of the Corps are kept.

10 Geo. IV. c. 29.

commissioned officers and drummers at the same time, except in case of certified sickness.

Adjutant to have Charge of the Arms and Clothing; and to issue the Money for contingent Expences, on an Order signed by the Colonel. Balance to form a Stock Purse.

III. And be it further enacted, That the adjutant of each regiment of militia shall have the charge and care of the arms, accoutrements, great coats, clothing, necessaries, and other stores under the superintendence of the colonel or commandant; and shall, out of the allowance of one penny *per* month for each private man and drummer, directed by this Act to be issued and paid for defraying the contingent expences of such regiment, battalion, or corps, from time to time issue and pay such sums of money as may be necessary for the repair of arms, and other usual contingent expences, upon an order in writing signed by the colonel or other commandant; and after payment of such sums as aforesaid, he shall three times in the year make up accounts of all such money, and of the expenditure thereof, showing the balances remaining in his hands, (which said balance shall form a stock purse for the use of the regiment battalion, or corps,) and shall transmit the same to the colonel or other commandant of such regiment, battalion, or corps, to be by him examined, allowed, and signed; and the said accounts so allowed and signed shall be and are hereby directed to be the proper vouchers and acquittal of such adjutant for the application and disposal of such money.

In Absence of the Adjutant, the Serjeants, &c., to be under the Command of the Serjeant Major.

IV. And be it further enacted, That in the occasional and unavoidable absence of the adjutant from the city, town, or place where the arms of any corps of militia when disembodied are kept, or during any vacancy in the appointment of adjutant, the serjeants and drummers shall be under the command of the serjeant major, or of some serjeant who shall be appointed by the said adjutant, with the approbation of the colonel or other commanding officer, to act as serjeant major during the absence of such adjutant; and the said serjeant major or acting serjeant major shall render the same returns, and perform such other Acts, as are by law required from the adjutant.

Militia, when called out for Training or Exercise, entitled to Pay.

V. And be it further enacted, That the officers and non-commissioned officers, drummers, and private men of the regular militia shall, for the period or periods during which they shall be called out for the purpose of annual exercise or training, be entitled to the same pay and allowances as the officers, non-commissioned officers, drummers, and private men of the militia when embodied.

Allowances to Subalterns and Surgeons' Mates and Assistant Surgeons.

VI. And whereas it is expedient to grant allowances to certain officers of the said militia forces of *Great Britain* and *Ireland*, while disembodied, under certain regulations; be it further enacted, That the following allowances shall be made and paid to the amount, under the restrictions, and in the manner herein-after expressed, to every subaltern officer and surgeon's mate in *Great Britain*, and to every subaltern officer and assistant surgeon in *Ireland*, who held a commission in the militia of *Great Britain* or *Ireland*, and was serving therein when the corps was disembodied, and also to every supernumerary subaltern officer and assistant surgeon of any regiment of militia in *Ireland*, which was augmented during the war, and which has been reduced to its original establishment; (that is to say,)

To a lieutenant, two shillings and sixpence *per diem*:

To an ensign, two shillings *per diem*:

And to a surgeon's mate or assistant surgeon, two shillings and sixpence *per diem*:

Provided always, that all officers of the militia serving with the rank of captain-lieutenants shall be deemed to be lieutenants, and all officers serving with the rank of second lieutenant shall be deemed to be ensigns, for the purposes of this Act; and provided always, that such allowances shall not be received for the days during which the regiment, battalion, or corps to which such officers belong is assembled for training and exercise.

VII. Provided also, and be it further enacted, That no person who is or shall during the continuance of this Act become possessed of such an estate or income as would by law qualify him to hold the commission

of captain of a company in the said militia, or who is or shall be appointed adjutant in any regiment, battalion, or corps of militia, nor any officer on full pay of the navy, army, or marines, shall have or be in any way entitled to the said allowances, or any part or share thereof; any thing herein contained to the contrary thereof in anywise notwithstanding.

Oath to be taken to entitle to such Allowances.

VIII. And be it further enacted, That the subaltern officers, surgeon's mate, and assistant surgeons of the militia, who shall claim under the authority of this Act to receive any part of the said allowances, shall, previous to receiving the same, and in order to entitle themselves thereto, take and subscribe an oath before some one of his Majesty's justices of the peace in the United Kingdom, or before some one of his Majesty's ministers, secretaries of embassy, of legation, or consuls abroad, in the words or to the effect following; (*videlicet*,)

Form of Oath.

'I *A. B.* do swear, That I belonged to the
'of militia when the same was disembodied, and that I have continued
'to serve therein from that time until the day of
' inclusive, as a [lieutenant, ensign, surgeon's mate,
'*or* assistant surgeon, *as the case may be*]; and that I was not in my own
'right or in the right of my wife, during any part of the period for which
'I now claim to receive any allowance, (that is to say,) from the
'day of to the day of both
'inclusive, in the actual possession and enjoyment or receipt of the rents
'and profits of lands, tenements, or hereditaments of such an annual
'value above reprizes as would qualify me to hold a commission of captain
'of a company in the militia; that I was not in holy orders; that I have
'not during the above period held the appointment of adjutant, surgeon,
'paymaster, or quartermaster in any regiment, battalion, or corps of militia;
'that I did not hold or enjoy, nor did any person for me hold or enjoy,
'during the said period, any place, office, or employment of profit, civil or
'military, under the crown or any other government, besides the allow-
'ance of a day now claimed, except my half pay as a
' [of the army *or* navy *or* marines, *or* of a provisional
'battalion formed from the militia, *as the case may be*], and any pay and
'allowances from the to the both days
'inclusive, during which period the corps was assembled for training and
'exercise. 'So help me GOD.'

Which oath, so taken and subscribed, shall be produced to the paymaster-general of his Majesty's forces, or to the officer paying the staff of the regiment, (as the case may be,) by the subaltern officer, surgeon's mate, or assistant surgeon claiming the allowance.

Allowances to Officers reduced in 1829.

IX. And be it further enacted, That the following allowances shall be made and paid to the amount, under the restrictions, and in the manner hereafter expressed, to certain paymasters, surgeons, and quartermasters of the militia of *Great Britain* and *Ireland*, on their being reduced in pursuance of an Act passed in this present session; (that is to say,)

Paymasters.

To every paymaster who at the time of the last disembodying of his corps held the commission of paymaster, and had served up to that time uninterruptedly with such commission, or with the appointment of quartermaster, such a period as shall have included a service in the embodied militia,

Of ten years or upwards, his present disembodied pay of six shillings, five shillings, or four shillings *per diem*, according to the establishment of the corps;

Of three years or upwards, but under ten years, five shillings *per diem* where the present disembodied pay is six shillings; four shillings and sixpence *per diem* where the present disembodied pay is five shillings: three shillings and sixpence *per diem* where the present disembodied pay is four shillings;

Of less than three years, four shillings *per diem* where the present disembodied pay is six shillings; three shillings and sixpence *per diem* where

10 Geo. IV. c. 29.

the present disembodied pay is five shillings; three shillings *per diem* where the present disembodied pay is four shillings *per diem;*

To every paymaster who has been appointed paymaster since his corps was disembodied, but who at the time of the last disembodying thereof was serving with the commission of lieutenant, two shillings and sixpence *per diem;*

With the commission of ensign, two shillings *per diem;*

With the rank of serjeant, having served ten years in the embodied militia, or as a non-commissioned officer, two shillings *per diem:*

Surgeons.

To every surgeon who at the time of the last disembodying of his corps was serving with the commission of surgeon, and had served up to that time uninterruptedly with such commission such a period as shall have included a service in the embodied militia,

Of ten years or upwards, six shillings *per diem;*

Of three years or upwards, but less than ten years, five shillings *per diem;*

Of less than three years, four shillings *per diem:*

To every surgeon who has been appointed surgeon since his corps was disembodied, but who at the time of the last disembodying thereof was serving with the commission of surgeon's mate or assistant surgeon, and had served with such commission up to that time uninterruptedly such a period as shall have included a service in the embodied militia,

Of ten years or upwards, five shillings *per diem;*

Of three years or upwards, but less than ten years, four shillings *per diem;*

Of less than three years, three shillings and sixpence *per diem:*

Quartermasters.

To every quartermaster who at the time of the last disembodying of his corps was serving with the appointment of quartermaster, and had served up to that time uninterruptedly with such appointment such a period as shall have included a service in the embodied militia,

Of ten years or upwards, five shillings *per diem;*

Of three years or upwards, but under ten years, three shillings and sixpence *per diem;*

Of less than three years, three shillings *per diem:*

To every quartermaster who has been appointed quartermaster since his corps was disembodied, but who at the time of the last disembodying thereof was serving with the commission of lieutenant, two shillings and sixpence *per diem;*

With the commission of ensign, two shillings *per diem;*

With the rank of serjeant, having served ten years in the embodied militia as a non-commissioned officer, two shillings *per diem:*

Provided always, that such allowances shall not be received for the days during which the corps to which the officers belong shall be assembled for training and exercise.

Oath to be taken by Officers claiming Allowances.

X. And be it further enacted, That every paymaster, surgeon, and quartermaster of militia, who shall claim under the authority of this Act to receive any part of the said allowances, shall, previous to receiving the same, and in order to entitle himself thereto, take and subscribe an oath before some one of his Majesty's justices of the peace in the United Kingdom, or before some one of his Majesty's ministers, secretaries of embassy or of legation, or consuls abroad, in the words or to the effect following; *(videlicet,)*

Form of Oath.

'I *A. B.* do swear, That I was serving as [paymaster, surgeon, *or* quartermaster, *as the case may be,*] in the of militia, at the 'reduction of the staff of the said militia in one thousand eight hundred 'and twenty-nine; and that I was not in holy orders during any part of 'the period for which I now claim to receive an allowance, (that is to say,) 'from the day of one thousand eight hundred 'and to the day of one thousand 'eight hundred and ; and that I did not hold or enjoy, nor 'did any person for me hold or enjoy, during any part of the said period, 'any place, office, or employment of profit, civil or military, under the

'crown or any other government, besides the allowance of a
'day, now claimed, except my half pay as a [of the army *or*
'navy *or* marines, *or* of a provisional battalion formed from the militia,
'*as the case may be*,] and except my pay and allowances from the
' to the both days inclusive, during which period
'the militia was assembled for training and exercise.
'So help me GOD.'

Which oath, so taken and subscribed, shall be produced to the paymaster-general of his Majesty's forces by the paymaster, surgeon, or quarter-master claiming the allowance: Provided always, that any paymaster receiving pay in the disembodied militia previous to such reduction as aforesaid, and being on naval or military half pay, or entitled to any allowance as having served in any of his Majesty's regular forces, or navy or marines, shall, notwithstanding such militia pay, be entitled to receive such half pay or allowance: Provided always, that the fact of his receiving such militia pay shall be stated in the affidavit to be made by him for the said half pay or allowance.

Out-Pension to Reduced Corporals and Drummers.

XI. And whereas all the corporals, and a proportion of the drummers of the militia of the United Kingdom of *Great Britain* and *Ireland*, are, in pursuance of the provision of an Act passed during the present session, to be discontinued and struck off the establishment of the disembodied staff; be it further enacted, That such of the corporals and drummers, so discontinued, as were serving as corporals or drummers at the time of the last disembodying of their corps, and have continued to serve in the disembodied staff from that time to the present, who, reckoning their previous service in any or all of the ranks of non-commissioned officer, drummer, or private, have in the whole completed twenty years' uninterrupted service, shall be placed on the out-pension of five-pence a day, although they should not be unfit for further service; any thing in any Act or Acts to the contrary notwithstanding: Provided always, that such corporals and drummers shall have served the period of twenty years after the age of eighteen, excepting the cases in which the individuals were serving as drummers previous to the age of eighteen, in which cases it shall be lawful to reckon the twenty years' service after the age of sixteen: Provided always, that the provisions herein made in respect of drummers shall be deemed to apply to fifers: Provided always, that no corporal, drummer, or fifer, to whom the pension of five-pence *per diem* shall be granted in pursuance of this Act, shall be entitled to receive the said pension for any period during which he shall be serving in the militia.

Subalterns and Surgeons' Mates, &c., to attend the annual Exercise, &c.

XII. And be it further enacted, That every paymaster, surgeon, quarter-master, subaltern officer, surgeon's mate, and assistant surgeon of the militia, who shall be entitled or claim to be entitled to the benefits of this Act, shall regularly attend the annual exercise and training of the regiment, battalion, or corps to which he belongs, during the whole of the time it shall be assembled for that purpose, and shall during the said time punctually do and perform his duty as a paymaster, surgeon, quarter-master, subaltern officer, surgeon's mate, or assistant surgeon of such regiment, battalion, or corps, on pain of forfeiting the said allowance, as well as the rest of his pay, and every part thereof, which may be due for the current year in which he shall neglect or refuse to attend; and a certificate of his having so attended and performed his duty, signed by the commanding officer of the regiment, battalion, or corps to which he may belong, shall be transmitted to the paymaster-general by the officer claiming the allowance: Provided always, that in case any such paymaster, surgeon, quartermaster, subaltern officer, surgeon's mate, or assistant surgeon, claiming to be entitled to such allowance, shall by his commanding officer be permitted or suffered, for any special cause or unavoidable necessity, to be absent during the whole or any part of such annual exercise, for which purpose it shall be lawful for such commanding officer to grant such leave of absence, then and in such case it shall be lawful for such paymaster, surgeon, quartermaster, subaltern officer, surgeon's mate, or assistant surgeon, who may be so permitted to be absent, and have

Commanding Officer may grant Leave of Absence.

10 Geo. IV. c. 29.

such leave in writing, to demand and receive the said allowance and every part thereof in like manner as if he had attended during the whole of the said annual exercise: Provided always, that the reason for such absence, as well as the duration thereof, shall be carefully and truly specified in a certificate (in lieu of that before mentioned), to be signed by the commanding officer, and to be furnished as soon as conveniently may be to the paymaster-general.

If the Regiment be not called out before the Time fixed for the Payment, the Allowance shall be paid on taking the Oath, without Certificate of Attendance.

XIII. Provided always, and be it further enacted, That in case any regiment, battalion, or corps of militia, after the disembodying thereof, and before the time fixed for the payment of the said allowances, shall not be called out for the annual exercise and training thereof, every paymaster, surgeon, quartermaster, subaltern officer, surgeon's mate, and assistant surgeon belonging to any such regiment, battalion, or corps, and coming within the description of this Act, who shall have taken and subscribed the oath herein-before mentioned before any such justice of the peace as aforesaid, shall be entitled to the said allowance as if he had regularly attended the annual exercise and training of such regiment, battalion, or corps during the whole of the time by law appointed for that purpose, and as if a certificate of such attendance, signed by the commanding officer of the regiment, battalion, or corps, had been furnished.

Allowances to be paid quarterly.

XIV. And be it further enacted, That upon such oaths and certificates as aforesaid, or where any regiment of militia shall not have been called out to their annual exercise as aforesaid, upon the said oaths being produced to the officers acting as paymasters of the respective regiments, or to the paymaster-general, it shall be lawful for such officers and for the paymaster-general, and they are hereby authorized and required, to pay to the said subaltern officers, surgeons mates, and assistant surgeons, according to their commissions of lieutenant, ensign, surgeon's mate, or assistant surgeon, their respective allowances above mentioned, for three months, or other proper period, on the twenty-fourth day of *June* one thousand eight hundred and twenty-nine, and the other proportions of the same, as also the allowances to the reduced paymasters, surgeons, and quartermasters, for the periods ending on the twenty-fourth day of *September* one thousand eight hundred and twenty-nine, and the twenty-fourth day of *December* one thousand eight hundred and twenty-nine, and the twenty-fourth day of *March* one thousand eight hundred and thirty, without any deduction whatsoever; the oaths and certificates before mentioned to be by them preserved and produced as vouchers for the payments.

On Neglect of Attendance, Subalterns, &c., shall forfeit their Claim to the Allowance.

XV. And be it further enacted, That the paymasters, surgeons, quartermasters, subaltern officers, surgeon's mates, and assistant surgeons of the militia, entitled or claiming to be entitled to the benefits of this Act, shall at all times be liable to serve in the respective regiments, battalions, or corps to which they belong, whenever the same shall be embodied and called out upon active service; and in case of neglect or refusal to attend when called upon at such times or for such occasions as may be required of them in pursuance of the laws now in force respecting the militia when disembodied, each and every such paymaster, surgeon, quartermaster, subaltern officer, surgeon's mate, and assistant surgeon shall, on such neglect or refusal being certified to the secretary at war, and, in respect of the militia of *Great Britain*, to the lord lieutenant of the county, by the colonel or other commandant of the regiment, battalion, or corps to which such paymaster, surgeon, quartermaster, subaltern, surgeon's mate, or assistant surgeon shall belong, forfeit his claims to the said allowance and every part thereof, and shall also be considered as having resigned and vacated his commission to all intents and purposes whatsoever.

Supernumerary Lieutenants, &c., succeeding to Vacancies, shall be entitled to the Pay and Allowances under this Act.

XVI. And be it further enacted, That whenever any supernumerary lieutenant, ensign, or assistant surgeon of any regiment of militia in *Ireland*, which shall have been augmented during war, and which shall have been reduced to its original establishment, shall have succeeded or shall succeed to any vacancy which shall have occurred or shall occur in any

such regiment respectively, such lieutenant, ensign, or assistant surgeon shall, from the time of his so succeeding, be entitled to such pay and allowances under this Act, and in like manner, and to the like amount, and under the like restrictions and regulations, as any lieutenant, ensign, or assistant surgeon who shall have been serving on the original establishment of such regiment at the time of the disembodying thereof; and such lieutenant, ensign, or assistant surgeon so succeeding shall be deemed to have belonged to such regiment when the same was disembodied, and to have continued to have served therein from that time, and shall in all respects from and after his so succeeding be subject to the regulations in this Act contained with respect to any lieutenant, ensign, or assistant surgeon of the said militia who shall claim and receive the pay and allowances under this Act.

Allowance not to be paid while the Militia is embodied.

XVII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to entitle any paymaster, surgeon, quartermaster, subaltern officer, surgeon's mate, or assistant surgeon as aforesaid, to the said allowance, or any part thereof, during the time the militia to which he belongs shall be embodied or ordered out on actual service.

Persons on Half Pay, or entitled to Allowance as having served in the Army or Navy, empowered to receive Pay, &c., during Training.

XVIII. Provided always, and be it further enacted, That any person being on naval or military half pay, or being entitled to any allowance as having served in any of his Majesty's forces or navy or marines, and serving in the militia, shall and may and he is hereby empowered to receive and take the pay and allowances by this Act directed to be paid to the field officers, captains, lieutenants, ensigns, adjutants, quartermasters, surgeons, surgeon's mates, and assistant surgeons, when assembled for annual training; and the receiving and taking any such pay and allowances by any such field officer, captain, lieutenant, ensign, adjutant, quartermaster, surgeon, surgeon's mate, or assistant surgeon, shall not prevent such person on half pay, or being entitled to any such allowance, from receiving his half pay or such allowance: Provided always, that such person shall, in the oath to be taken for the receipt of the half pay or such allowance, declare that he has received or is entitled to such militia pay and allowances, and shall specify the militia rank which entitles him to the same.

Adjutants, &c., Non-commissioned Officers or Privates, not to lose their Right to Chelsea Pensions, &c.

XIX. Provided always, and be it further enacted, That no adjutant, quartermaster, non-commissioned officer, drummer, or private man in the regular militia, entitled to receive any *Chelsea* or *Kilmainham* pension or allowance on account of service in the regular army, shall forfeit or lose his right to the same by reason of his serving and receiving pay in the regular militia; nor shall any quartermaster, subaltern, surgeon's mate, or assistant surgeon forfeit or lose his right to receive any such *Chelsea* or *Kilmainham* pension or allowance by reason of his receiving the allowance by this Act granted to him when disembodied.

Allowance to be made for Medicines.

XX. And be it further enacted, That there shall be granted for each regiment of regular militia, when disembodied, a sum of money after the rate of one guinea for every one hundred men of each such regiment, for the expence of necessary medicines for the sick non-commissioned officers, drummers, fifers, and private men of such regiment, during the period or periods of assembly for annual exercise or training; and also an allowance of two-pence *per* week for each of the non-commissioned officers and drummers of each regiment on the disembodied staff at head quarters, for the expence of necessary medicines and attendance given to the said non-commissioned officers and drummers while such regiment is not called out for annual training and exercise.

Adjutants appointed before 24 Dec. 1814, entitled to receive after a Service of Twenty Years, if unfit for further Service, an Allowance of 8*s.* per Day;

XXI. And be it further enacted, That every adjutant of regular militia who shall have been appointed as such before the twenty-fourth day of *December* one thousand eight hundred and fourteen, and who shall have served faithfully, either in his Majesty's regular forces, or in the regular or local militia, for the full term of twenty years in the whole, whereof ten shall have been in service as an adjutant or regular militia, who shall have been or shall be by age or infirmity rendered unfit for further service, shall, on producing to the secretary at war a certificate of such service of

10 Geo. IV. c. 29.

twenty years as aforesaid from the commanding officers of the different corps to which he shall have belonged, and upon obtaining an order from the secretary at war founded upon such certificate, be entitled to receive, and the paymaster-general, or the officer acting as the paymaster of the regiment, as the case may be, shall and he is hereby authorized to pay to such person an allowance at the rate of eight shillings *per diem*: Provided always, that no person shall be entitled to receive such allowance as aforesaid who shall hold any military office or employment of profit under his Majesty or any other government; and that no person who shall at the time of the passing of this Act hold any civil place or employment of profit under his Majesty or in the colonies or possessions of his Majesty beyond the seas, or under any other government, shall receive any part of the said allowance for any time during which he held such civil place or employment, except in the cases in which the emoluments of such civil place or employment shall not exceed three times the amount of the said allowance, and unless in such excepted cases his Majesty's consent to the holding of such civil place or employment shall have been signified through the secretary at war; and that no person who shall after the passing of this Act be appointed to any civil place or employment of profit under his Majesty, or in the colonies or possessions of his Majesty beyond the seas, or under any other government, shall receive any part of the said allowance for any time during which he shall hold such civil place or employment: Provided always, that any adjutant who shall have been appointed since the twenty-fourth day of *December* one thousand eight hundred and fourteen, who shall have served faithfully, either in his Majesty's regular forces or in the regular or local militia, for the full term of thirty years in the whole, whereof fifteen shall have been in service as an adjutant of regular militia, and who shall be by age or infirmity rendered unfit for further service, shall, upon producing to the secretary at war a certificate of such service of thirty years as aforesaid from the commanding officers of the different corps to which he shall have belonged, and upon obtaining an order from the secretary at war founded upon such certificate, be entitled to receive an allowance at the rate of six shillings a day, in like manner and subject to the same restrictions and conditions as the aforesaid allowance of eight shillings: Provided also, that no such adjutant shall lose any right he may have to half pay or out-pension by reason of receiving such allowance as aforesaid, but shall be entitled to receive such half pay as well as such allowance.

provided they do not hold certain other Appointments.

Adjutants appointed since 24 Dec. 1814, entitled to receive after Thirty Years' Service, &c., an Allowance of 6*s*. per Day.

Right to Half Pay reserved.

XXII. And be it further enacted, That any quartermaster of regular militia who shall have served faithfully, either in his Majesty's regular forces or in the regular or local militia, for the full term of thirty years in the whole, whereof fifteen shall have been as a quartermaster of regular militia, and who shall have been or shall be, previous to the twenty-fifth day of *June* one thousand eight hundred and twenty nine, by age or infirmity rendered unfit for further service, shall, on producing to the secretary at war a certificate of such service of thirty years as aforesaid from the commanding officers of the different corps to which he shall have belonged, and obtaining from the secretary at war an order founded upon such certificate, be entitled to receive an allowance at the rate of his pay when serving in the disembodied regular militia, in like manner and subject to the same restrictions and conditions as the allowances granted by this Act to adjutants who have been by age or infirmity rendered unfit for further service: Provided also, that no such quartermaster shall, by reason of receiving such allowance as aforesaid, forfeit any right which he may have to half pay or out-pension, but shall be entitled to receive such half pay or out-pension as well as such allowance.

Quarter-masters, after a Service of Thirty Years, and unfit for further Service, entitled to an Allowance at the Rate of their Pay in the Disembodied Militia.

Right to Half Pay reserved.

XXIII. And be it further enacted, That if any surgeon of regular militia, having faithfully served in his Majesty's regular forces or in the militia for the full term of twenty years, shall, previous to the twenty-fifth day of *June* one thousand eight hundred and twenty-nine, by age or infirmity be rendered unfit for further service, he shall, on producing to the secretary at war a certificate of such service of twenty years in the whole

Surgeons, after a Service of Twenty Years, and unfit for further Service, to receive 6*s*. per Day.

(ten of which he shall have served as a surgeon of militia) from the commanding officers of the different corps to which he shall have belonged, and obtaining an order from the secretary at war founded upon such certificate, be entitled to receive an allowance at the rate of six shillings *per diem*, in like manner and subject to the same restrictions and conditions as the allowances granted by this Act to adjutants who have by age or infirmity been rendered unfit for further service: Provided always, that no person receiving such allowance shall by reason thereof forfeit his right to any half pay to which he may be entitled.

Right to Half Pay reserved.

XXIV. And be it further enacted, That in case any regiment, battalion, or corps of militia shall have already ceased and determined, or been reduced in its establishment, or shall cease and determine or be reduced in its establishment during the continuance of this Act, the sum of four shillings *per diem* shall be paid to such person as has actually served as adjutant to such regiment, battalion, or corps, from the twenty-fifth day of *March* one thousand eight hundred and twenty-nine, or from the time such regiment shall cease and determine or be reduced in its establishment, (as the case may be,) to the twenty-fourth day of *March* one thousand eight hundred and thirty, in like manner and subject to the same restrictions and conditions as the allowances granted by this Act to adjutants who have by age or infirmity been rendered unfit for further service: Provided always, that no such reduced adjutant shall lose any right he may have to half pay of the navy, army, marines, or provisional battalion formed from the militia, by reason of receiving such allowance as last aforesaid, but shall be entitled to receive such half pay as well as such allowance.

Reduced Adjutants to receive 4*s.* per Day till 24 March 1829.

Right to Half Pay reserved.

XXV. And whereas certain adjutants and serjeant majors are entitled to and have received certain allowances in consequence of having been reduced under the provisions of an Act passed in the thirty-ninth and fortieth years of the reign of his late Majesty, which allowance has been continued, and as to such adjutants augmented to four shillings *per diem*; be it therefore enacted, That all such adjutants and serjeant majors shall be entitled to receive and shall receive such allowance from the twenty-fifth day of *March* one thousand eight hundred and twenty-nine to the twenty-fifth day of *March* one thousand eight hundred and thirty.

Adjutants and Serjeant Majors entitled to Allowance under 39 & 40 G. 3. c. 44.

XXVI. And be it further enacted, That every reduced adjutant entitled to any allowance granted under the said Act of the thirty-ninth and fortieth years aforesaid, and continued by any subsequent Acts or by this Act, may receive and take such allowance, together with any full pay, half pay, or allowance which was tenable, together with such reduced allowance, under the provisions of an Act passed in the twenty-sixth year of the reign of his late Majesty, intituled *An Act for amending and reducing into One Act of Parliament the Laws relating to the Militia in that Part of* Great Britain *called* England, or under the Provisions of the aforesaid Acts of the thirty-ninth and fortieth years of the reign of his late Majesty: Provided always, that no such reduced adjutant shall be entitled to receive any allowance under this Act during the time he shall hold any military office of profit under his Majesty other than such as aforesaid, or under any other government, or any civil office or employment under his Majesty or any other government, otherwise than according to the provisions of this Act in relation to the allowances granted to adjutants on account of age or infirmity.

Reduced Adjutants may take such Allowance with any Pay or other Allowance under 39 & 40 G. 3. c. 44. and 26 G. 3. c. 107.

Proviso.

XXVII. And be it further enacted, That all sums of money granted for the pay, clothing, allowances, and contingent and other expences for the regular militia when disembodied as aforesaid, shall be issued and paid under the direction of the secretary at war, according to such regulations as have been or shall be established on that head.

Pay, &c., to be issued under Directions of the Secretary at War.

XXVIII. And be it further enacted, That all bills, drafts, and orders, drawn for the pay or allowances of the regular militia when disembodied under this Act, may be or shall be drawn upon unstamped paper; and no such bill, draft, or order shall be void by reason of being drawn or written on unstamped paper.

Bills drawn for Pay, &c., may be on unstamped Paper.

XXIX. Provided always, and be it further enacted, That no fee or

No Fee to be taken.

10 Geo. IV. c. 29.

gratuity whatsoever shall be given or paid for or upon account of any warrant or sum of money which shall be issued in relation to or in pursuance of this Act.

Expence of House for depositing Arms and Stores of the Militia in Ireland, &c., to be defrayed by the County.

XXX. And be it further enacted, That the hire of any house or place to be provided for the keeping of the arms, accoutrements, clothing, or other stores, and for the residence and accommodation of the adjutant belonging to any regiment or battalion of militia in *Ireland*, when not embodied, shall be defrayed by the county; and the necessary sum for that purpose shall be raised by the presentment of the grand jury of the said county, and which presentment the grand jury of the county is hereby authorized and required to pass, on a certificate signed by the chief secretary of the lord lieutenant or other chief governor or governors of *Ireland* for the time being, or, in the absence of such chief secretary, by the under secretary for the military department, and specifying the rent agreed to be paid for the same; which certificate shall be transmitted by such chief secretary to the clerk of the crown for such county, or at any time prior to the first day of the assizes for such county, or if in the county or county of the city of *Dublin*, then prior to the first day of the presenting term: Provided, that in no case any greater rent than fifty pounds currency of the United Kingdom of *Great Britain* and *Ireland* shall be presented by such grand jury for the annual rent of such place.

Provision as to Amount of Rent.

Lord Lieutenant may order the Arms of Militia of Ireland to be deposited in the Ordnance Stores in Dublin.

XXXI. Provided always, and be it enacted, That it shall and may be lawful for the lord lieutenant or other chief governor or governors of *Ireland* for the time being (if he or they shall see sufficient cause for so doing) to order and direct that the arms, accoutrements, and other stores, or any part thereof, belonging to any regiment or battalion of the said militia, shall, at any time while such regiment or battalion shall not be embodied or in actual service, be conveyed to and deposited and kept in any of his Majesty's ordnance stores in the city of *Dublin*, or to and in any such ordnance store, or to and in any other place of security in any other part in *Ireland*, as he or they shall from time to time order or direct, and under such rules and regulations as he or they shall think fit and proper in that behalf.

Provisions of this Act relating to Counties shall extend to Ridings, Stewartries, &c.

XXXII. And be it further enacted, That all provisions, directions, clauses, matters, and things in this Act contained, relating to counties and to regiments of militia respectively, shall extend and be construed to extend to all ridings, shires, stewartries, cities, and places, and to all battalions, corps, and independent companies respectively, and to the corps of miners of *Cornwall* and *Devon*, as fully and effectually as if they were respectively and severally repeated in every such provision, direction, clause, and with relation to every such matter or thing.

Continuance of Act.

XXXIII. And be it further enacted, That this Act shall continue in force until the twenty-fifth day of *March* one thousand eight hundred and thirty.

PART VII.—CLASS V.

MARINE ACT.

10 Geo. IV. c. 5.—An Act for the regulating of his Majesty's Royal Marine Forces while on Shore.—[23*d March* 1829.]

10 Geo. IV. c. 5.

WHEREAS it may be necessary for the safety of the United Kingdom, and the defence of the possessions of the crown of *Great Britain* and *Ireland*, that a body of royal marine forces should be employed in his

10 Geo. IV. c. 5.

Majesty's fleet and naval service, under the direction of the lord high admiral or commissioners for executing the office of lord high admiral of the United Kingdom of *Great Britain* and *Ireland*: And whereas the said royal marine forces may frequently be quartered or be on shore, or sent to do duty on board transport ships or merchant ships or vessels, or ships or vessels of his Majesty not being in commission, or any convict hulk or ship, where they will not be subject to the laws relating to the government of his Majesty's forces by sea; yet nevertheless it being requisite for the retaining of such forces in their duty, that an exact discipline be observed; and that marines who shall mutiny or stir up sedition, or shall desert his Majesty's service, be brought to a more exemplary and speedy punishment than the law will allow: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the twenty-fourth day of *March* one thousand eight hundred and twenty-nine, if any person being entered or in pay as an officer of royal marines, or who is or shall be listed or in pay as a non-commissioned officer or private man in any division of royal marines in his Majesty's service, and on the twenty-fourth day of *March* one thousand eight hundred and twenty-nine shall remain in such service, or during the continuance of this Act shall be voluntarily entered and in pay as a marine officer or private man in his Majesty's service, and being in such service, at any time during the continuance of this Act, on shore in any place within the said kingdom, or in any other of his Majesty's dominions, or in foreign parts, or on board any transport ship, or merchant ship or vessel, or any ship or vessel of his Majesty not being in commission, or any convict hulk or ship, shall begin, excite, cause, or join in any mutiny or sedition in the company to which he doth or shall belong, or in any other company, troop, or regiment, either of marine or land forces, in his Majesty's service, or shall not use his utmost endeavours to suppress the same; or coming to the knowledge of any such mutiny or intended mutiny, shall not without delay give information thereof to his commanding officer; or shall desert his Majesty's service; or being actually entered as a marine in any company, shall list himself in any other company, troop, or regiment, or enter as a seaman in his Majesty's service, without first having a discharge in writing from the officer commanding in chief the company in which he last served as a marine, in which case he shall be reputed a deserter; or shall be found sleeping upon his post, or shall leave it before relieved; or shall hold correspondence with any rebel or enemy of his Majesty, or give them advice or intelligence of any kind, by any ways or means or in any manner whatsoever; or shall treat with such rebels or enemies, or enter into any condition with them, without his Majesty's licence, or licence of the lord high admiral of the United Kingdom of *Great Britain* and *Ireland* for the time being, or two or more of the commissioners for executing the office of lord high admiral of the United Kingdom of *Great Britain* and *Ireland* for the time being; or shall strike or use any violence against his superior officer, being in the execution of his office; or shall disobey any lawful command of his superior officer; all and every person and persons so offending in any or either of the matters before mentioned, on shore in any part of this kingdom, or in any other of his Majesty's dominions, or in foreign parts, or on board any transport ship, or merchant ship or vessel, or any ship or vessel of his Majesty not being in commission, or any convict hulk or ship, shall suffer death, or such other punishment as by court-martial shall be inflicted.

After March 24, 1829, every Marine Officer, Non-commissioned Officer and Private Man,

who shall mutiny or desert, &c.

or list in any other Regiment, &c.

or shall be found sleeping on or shall desert his Post, &c.

or shall strike or disobey his Superior Officer; shall suffer Death, or such Punishment as a Court-martial shall inflict.

II. And be it further enacted, That it shall and may from time to time be lawful to and for the said lord high admiral, or two or more of the commissioners for executing the said office of lord high admiral, for the time being, to grant a commission, under his or their respective hand or hands, to any officer of royal marines in his Majesty's service, not under the degree of a field officer, for the holding general courts-martial at any place or places on shore in this kingdom, or in any other of his Majesty's dominions; in every of which courts-martial all or any of the offences

Lord High Admiral, &c., may grant Commissions for holding General Courts-martial, &c.

10 Geo. IV. c. 5.

aforesaid, and all or any other of the offences herein-after specified, shall be tried and proceeded against in such manner as by this Act is directed.

Courts-martial may inflict Corporal Punishment for Immorality, &c.

III. And be it further enacted, That it shall and may be lawful to and for such courts-martial, by their sentence or judgment, to inflict imprisonment, solitary or otherwise, or corporal punishment, not extending to life or limb, on any marine, for immorality, misbehaviour, or neglect of duty, on shore in any place or places within this kingdom, or in any other of his Majesty's dominions, or in transports, or merchant ships or vessels, or any ship or vessel of his Majesty not being in commission, or any convict hulk or ship, during the continuance of this Act.

Lord High Admiral, &c., empowered to make Articles for Punishment of Mutiny and Desertion, &c.

IV. And be it further enacted, That it shall and may be lawful to and for the said lord high admiral, or two or more of the commissioners for executing the said office of lord high admiral, at any time during the continuance of this Act, to make and establish rules and articles in writing under his or their respective hand or hands, which articles shall be judicially taken notice of by all the judges, and in all courts whatsoever, for the punishment of mutiny and desertion, immorality, misbehaviour, and neglect of duty, in any of his Majesty's royal marine forces, while on shore in any part of this kingdom, or in any other of his Majesty's dominions, or in foreign parts, or in transport or merchant ships or vessels, or any ship or vessel of his Majesty not being in commission, or any convict hulk or ship, and for bringing offenders against the same to justice; and to erect and constitute divisional or detachment courts-martial, with power to try, hear, and determine any crimes or offences specified in such rules and articles, and inflict punishments by sentence or judgment for the same, according to the true intent and meaning of this Act; and all such articles of war shall from time to time, as soon after the same shall have been established as the same can be done, be transmitted by the secretary of the admiralty for the time being to the judges of his Majesty's courts at *Westminster*, and *Dublin* and into *Scotland* respectively.

and to constitute Courts-martial.

Punishment.

V. Provided always, That no person shall be adjudged to suffer any punishment extending to life or limb by the said rules or articles, within this kingdom, except for such crime or crimes as is or are expressed to be so punishable by this Act.

Oaths to be taken by Members of Divisional Courts-martial, &c.

VI. Provided also, and be it further enacted, That in all trials by any divisional or detachment courts-martial which shall be held by virtue of this Act, or of any articles of war established in pursuance thereof, every member assisting at such trial, before any proceedings be had thereupon, shall take the oaths herein-after mentioned upon the holy evangelists (which oaths shall and may be administered by the president of the court to the other members thereof, and to the president by any member having first taken the said oath); (that is to say,)

Oaths.

'YOU shall well and truly try and determine according to the evidence 'in the matter now before you. So help you GOD.'

'I *A. B.* do swear, That I will truly administer justice according to the 'rules and articles for the better government of his Majesty's royal 'marine forces when on shore, and according to an Act now in force for 'the punishment of mutiny and desertion and of other crimes therein 'mentioned, without partiality, favour, or affection; and if any doubt 'shall arise (which is not explained by the said articles or Act), according 'to my conscience, and the best of my understanding, and the custom 'of war. So help me GOD.'

And the president of every such court-martial (not being under the rank of captain) shall be appointed by the commanding officer of the division or detachment directing such court-martial; and every such divisional or detachment court-martial is hereby authorized and directed to administer an oath to every witness that shall appear before them.

Deserters may be transported.

VII. And be it further enacted, That in case of any non-commissioned officer or marine tried and convicted of desertion, whensoever the court-martial which shall pass sentence upon such trial shall not think the offence deserving of capital punishment, such court-martial may, instead

of awarding a corporal punishment, adjudge the offender, according to the nature of the offence, if they shall think fit, to be transported as a felon for life or for a certain term of years; and if such non-commissioned officer or marine, having been adjudged to be transported as a felon, shall afterwards (without leave from his Majesty, or from the governor or commanding officer of the place to which he shall have been transported), return into or be found at large without leave as aforesaid, or other lawful cause, within any part of the United Kingdom of *Great Britain* and *Ireland*, or in any of the islands adjacent to or dependent on the same, or in any of his Majesty's possessions other than the place to which he shall have been transported, before the expiration of the term limited by such sentence, and shall be convicted thereof in the ordinary course of law, every such person shall be deemed and adjudged guilty of felony, and shall suffer death as a felon.

His Majesty, where a Capital Punishment is awarded, may order Offenders to be transported.

VIII. Provided always, and be it enacted, That in all cases wherein a capital punishment shall have been awarded by a court-martial, it shall be lawful for his Majesty, instead of causing such sentence to be carried into execution, to order the offender to be transported as a felon for life or for a certain term of years, as to his Majesty shall seem meet; and if the person so transported in pursuance of such order from his Majesty shall afterwards (without leave from his Majesty, or from the governor or commanding officer of the place to which he shall have been transported,) return to any part of *Great Britain* or *Ireland*, or into any of the islands adjacent to or dependent on the same, or into any of his Majesty's possessions other than the place to which he shall have been transported, before the expiration of the term limited by such order, and shall be duly convicted thereof, he shall suffer death.

Court may sentence Deserters to serve for Life, &c.

IX. And be it further enacted, That if any non-commissioned officer or marine so convicted of desertion shall appear to have enlisted for a limited term of years, it shall be lawful for such court to sentence any such non-commissioned officer or marine so enlisted to serve for life as a soldier, or for any number of years beyond the period for which such non-commissioned officer or marine shall have enlisted, or generally in any regiment or corps which his Majesty shall please to direct; and any non-commissioned officer or marine may in any case, in addition to any service, be further adjudged to forfeit all benefit or advantage as to increase of pay, or as to pension or discharge, which might otherwise have accrued to such non-commissioned officer or marine from the length or nature of his service.

or order them to be marked.

X. And be it further enacted, That it shall be lawful for any court-martial, before which any non-commissioned officer or marine shall be tried and convicted of desertion, to direct, if it shall so think fit, in addition to any other punishment such court may award for any such desertion, that such deserter be marked on the left side, two inches below the arm-pit, with the letter (D.) such letter not to be less than half an inch long, and to be marked upon the skin with ink or gunpowder, or other preparation, so as to be visible and conspicuous, and not liable to be obliterated.

How Order for transportation shall be proceeded in.

XI. And be it further enacted, That whenever his Majesty shall intend any such sentence of a court-martial to be carried into execution, or shall be graciously pleased to extend his mercy, upon condition of transportation, to any offender liable to the punishment of death by the sentence of a court-martial, such sentence, together with his Majesty's pleasure upon the same, shall be notified in writing by the lord high admiral of the United Kingdom of *Great Britain* and *Ireland*, or two or more of the commissioners for executing the said office of lord high admiral, for the time being, to any justice of the King's Bench, Common Pleas, or baron of the Exchequer of the degree of the coif, and thereupon such justice or baron shall make an order for the transportation of such offender upon the terms and for the time which shall be specified in such notification, and shall also make such other order or orders, and do all such other acts consequent upon the same, as any such justice or baron is authorized to make or do by any Act or Acts in force at the time of making any such

10 Geo. IV. c. 5.

orders in relation to the transportation of offenders; and such order and orders so to be made, and all such acts as shall be done as aforesaid, shall be obeyed and done by such person in whose custody such offender shall at that time be, and all other persons whom it may concern, and shall be as effectual, and have all the same consequences, as any order made under the authority of the said Act with respect to any offender in the said Act mentioned; and every sheriff, gaoler, keeper, governor, or superintendant whom it may concern, and all constables and other persons, shall be bound to obey the aforesaid order and orders, be assistant in the execution thereof, and be liable to the same punishment for disobedience or interrupting the execution of the same, as they would be if the same had been made under the authority of the aforesaid Act; and every person so ordered to be transported as aforesaid shall be subject respectively to all and every the penalties and provisions made by law and now in force concerning persons convicted of any crime, and sentenced to be transported, or receiving his Majesty's pardon on condition of transportation.

Order to be filed in the Office of the Clerk of the Crown;

XII. And be it further enacted, That the justice or baron who shall make any such order as aforesaid, under any such notification of his Majesty's pleasure as aforesaid, shall direct the said notification, and his own order made thereupon, to be filed in the office of the clerk of the crown of his Majesty's Court of King's Bench, and to be there kept of record; and the said clerk of the crown shall receive a fee of two shillings and sixpence, and no more, for filing the same.

who shall on Application deliver a Certificate of the Conviction of any such Offender, &c.

XIII. And be it further enacted, That the said clerk of the crown of his Majesty's Court of King's Bench shall, upon the application of any such offender who shall be ordered by his Majesty to be transported as aforesaid, or of any other person applying on his behalf, or on the application of any person on behalf of his Majesty, deliver a certificate in writing under his hand (not taking for the same more than two shillings and sixpence), containing an account of the christian name and surname of such offender, of his offence, of the place where the court was held, before whom he was convicted, and of the terms and conditions on which his Majesty's order for such offender's transportation was given; which certificate shall be sufficient proof of the conviction and sentence of such offender, and also of the terms on which such order for his transportation was given, in any court and in any proceeding wherein it may be necessary to inquire into the same.

Offenders under Sentence of Death obtaining his Majesty's conditional Pardon, not suffered to escape.

XIV. And be it further enacted, That if any offender under sentence of death by a court-martial as aforesaid shall obtain his Majesty's conditional pardon as aforesaid, all and every the laws now in force touching the escape of felons under sentence of death shall apply to such offender, and to all persons aiding, abetting, or assisting in any escape or intended escape of any such offender, or contriving any such escape, from the time when such order shall be made by such justice or baron as aforesaid, and during all the several proceedings which shall be had for the purposes aforesaid.

General Court-martial not to consist of less than thirteen, except in Cases where serving beyond the Seas, &c.

XV. And it is hereby further enacted, That no general court-martial which shall have power to sit by virtue of this Act shall consist of a less number than thirteen, whereof none to be under the degree of a commissioned officer; except courts-martial to be holden on any officer, non-commissioned officer, or private marine, who may be serving on shore in any place beyond the seas, and out of his Majesty's dominions, or out of the *East Indies*, in which cases any general court-martial may consist of any number not less than seven; and the president of such court-martial shall not be under the degree of a field officer of royal marines, unless where such field officer cannot be had, in which case the marine officer next in seniority to such field officer, not being under the degree of a captain, shall preside at such court-martial: and that such court-martial shall have full power and authority, and are hereby required, to administer an oath to every witness, in order to the examination on trial of any of the offences that shall come before them.

Officers of the Marine and Land Forces may sit in conjunction upon Courts-martial.

XVI. And whereas it may be expedient in certain cases, particularly

where a sufficient number of marine officers cannot be conveniently assembled, or in matters wherein any of his Majesty's land forces may be interested, that officers of the land forces should be associated with the royal marine officers for the purpose of holding courts-martial; be it enacted and declared, that when and as often as it shall be necessary, it shall and may be lawful for officers of royal marines and land forces to sit in conjunction upon all courts-martial, and to proceed in the trial of any marine officer or private man in like manner to all intents and purposes as if such courts-martial were composed of marine officers only, and whether the commanding officer by whose order such court-martial is assembled belong to the land or to the marine forces; and the officers of marine and land forces are in such cases to take rank according to the seniority of their commissions in either service.

Oaths to be taken by all Members of General Courts-martial.

XVII. And be it further enacted, That in all trials of offenders by general courts-martial to be held by virtue of this Act, every officer present at such trials, before any proceedings be had thereupon, shall take the following oaths upon the Holy Evangelists, before the court and judge advocate or his deputy (who are hereby authorized to administer the same), in these words; that is to say,

Oaths.

'YOU shall well and truly try and determine, according to the evidence 'which shall be given in the matter now before you, between our sove- 'reign lord the King's Majesty and the prisoner to be tried.

'So help you GOD.'

'I *A. B.* do swear, That I will truly administer justice according to an 'Act now in force for the regulation of his Majesty's royal marine forces 'while on shore, and according to the rules and articles made in pursu- 'ance of the said Act for the punishment of mutiny and desertion, and 'other crimes therein respectively mentioned, without partiality, favour, 'or affection; and if any doubt shall arise, (which is not explained by the 'said Act or the said rules and articles,) according to my conscience, the 'best of my understanding, and the custom of war in like cases: And I 'further swear, That I will not divulge the sentence of the court, until it 'shall be approved by the lord high admiral, or two or more of the com- 'missioners for executing the office of lord high admiral of the United 'Kingdom of *Great Britain* and *Ireland;* neither will I, upon any account 'at any time whatsoever, disclose or discover the vote or opinion of any 'particular member of the court-martial, unless required to give evidence 'thereof as a witness by a court of justice in a due course of law.

'So help me GOD.'

The Judge Advocate to be sworn.

And so soon as the said oaths shall have been administered to the respective members, the president of the court is hereby authorized and required to administer to the judge advocate, or the person officiating as such, an oath in the following words:

The Oath.

'I *A. B.* do swear, That I will not, upon any account, at any time what- 'soever, disclose or discover the vote or opinion of any particular member 'of the court-martial, unless required to give evidence thereof as a wit- 'ness by a court of justice in a due course of law.

'So help me GOD.'

Oaths to Witnesses.

In Sentences of Death, what Number of Officers shall concur, &c.

Hours of Trial.

Witnesses during their Attendance privileged from Arrest.

And every such court-martial is hereby authorized and directed to administer an oath to every witness who shall appear before them; and no sentence of death shall be given against any offender by any such general court-martial as aforesaid, unless nine officers present, or where the court-martial shall consist of seven members, unless five officers present shall concur therein; and if there be more officers present than thirteen or seven respectively, then the judgment shall pass by the concurrence of two-thirds of the officers present; and no proceeding or trial shall be had upon any offence but between the hours of eight of the clock in the morning and four in the afternoon, except in cases which require an immediate example: Provided also, that all witnesses duly summoned by the

10 Geo. IV. c. 5.

judge advocate, or the person officiating as such, shall, during their necessary attendance in such courts, and in going to and returning from the same, be privileged from arrest in like manner as witnesses attending any of his Majesty's courts of law are privileged; and that if any such witness shall be unduly arrested, he shall be discharged from such arrest by the court out of which the writ or process issued by which such witness was arrested; or if the court out of which the writ or process issued be not sitting, then by any judge of the Court of King's Bench in *London* or in *Dublin*, or the Court of Sessions in *Scotland*, or courts of law in the *East* or *West Indies* or elsewhere, according as the case shall require, upon its being made appear to such court or judge, by affidavit in a summary way, that such witness was arrested in going to or returning from or attending upon such court-martial; and that all witnesses duly summoned as aforesaid, who shall not attend on the court-martial, whether the same be a general or divisional court-martial, or who attending shall refuse to be sworn or to give evidence on any court-martial, shall be liable to be attached in the Court of King's Bench in *London* or *Dublin*, or Court of Sessions in *Scotland*, or courts of law in the *East* or *West Indies*, or elsewhere respectively, upon complaint made to the said Courts of King's Bench or Court of Sessions in *Scotland*, or courts of law in the *East* or *West Indies* or elsewhere, in like manner as if such witness had neglected to attend on a trial in any criminal proceeding in that court.

Witnesses not attending liable to be attached.

Courts-martial may sentence Offenders to Imprisonment, &c.

XVIII. Provided always, and be it further enacted, That it shall be lawful for any general or other court-martial to sentence any non-commissioned officer or private marine to imprisonment, or to imprisonment and hard labour, in any house of correction, common gaol, or public prison, or in any other place which such court may appoint for that purpose; and all gaolers and keepers of such houses of correction or prisons shall receive into their custody, and keep in confinement for such time as they shall be respectively required so to do, or until discharged, any non-commissioned officer or private marine who may have been sentenced to imprisonment by any general or other court-martial, and shall provide a proper place for the confinement of any such non-commissioned officer or private marine, according to the sentence of such court, during the period of his imprisonment, upon receiving an order in writing from the commanding officer of the division at which such general or other court-martial shall have been held; and every gaoler and keeper of a house of correction or prison, who shall refuse to receive and to confine any such non-commissioned officer or private marine in manner as aforesaid, shall forfeit for every such offence the sum of one hundred pounds, to be recovered by action of debt or information, for the use of his Majesty.

Lord High Admiral may change the Place of Confinement of such Offenders.

XIX. Provided also, and be it further enacted, That it shall and may be lawful for the said lord high admiral, or two or more of the commissioners for executing the said office of lord high admiral, for the time being, in case he or they shall deem it expedient so to do, by any order in writing to be made for that purpose, under the hand of the said lord high admiral, or of two or more of the commissioners aforesaid, and the seal of the office of admiralty, to change the place of confinement to be expressed in any sentence upon any non-commissioned officer or private marine, either previous to the commitment of such non-commissioned officer or private marine under any such sentence, or at any time afterwards during the period of confinement mentioned in such sentence, and so from time to time as often as the said lord high admiral or the said commissioners shall deem it requisite; and that the gaoler or keeper of the prison, gaol, or house of correction in which such non-commissioned officer or private marine shall happen to be, shall, immediately on the notification of such order to him, remove and convey, or cause to be removed and conveyed, such non-commissioned officer or private marine to the gaol, prison, or house of correction mentioned in the said order so to be made as aforesaid, (for the charges of which removal and conveyance he shall be allowed a sum not exceeding one shilling *per* mile); and every gaoler or keeper of such last-mentioned gaol or house of correction shall thereupon, and upon being furnished with a copy of the sentence of confine-

Gaoler to be allowed for Charges of Removal.

ment, and of such order of removal, (such copies respectively to be attested by the secretary of the admiralty for the time being,) receive into his custody, and shall confine pursuant to such sentence, such non-commissioned officer or private marine, under the like penalty and forfeiture of one hundred pounds, in case of refusal or neglect, as herein-before provided; such penalty or forfeiture in any such cases to be recovered in any of his Majesty's Courts of Record at *Westminster* or *Dublin*, or in the Court of Exchequer or Court of Sessions at *Edinburgh*.

Pay to be forfeited during Imprisonment.

XX. And be it further enacted, That every non-commissioned officer or private marine, who shall be sentenced by any general, divisional, or detachment court-martial to be imprisoned, shall forfeit all right to any pay from the day of his commitment during the time of such imprisonment; and also that during the continuance of any such imprisonment, the gaoler or keeper of such prison or house of correction shall receive the sum of sixpence *per diem* out of the subsistence of such non-commissioned officer or private marine, during the time that such non-commissioned officer or private marine shall continue in custody; which said sum the said lord high admiral, or two or more of the commissioners for executing the said office of lord high admiral for the time being, are hereby authorized and required to cause to be paid by the paymaster of royal marines to the said gaoler or keeper, upon receiving an application in writing to their secretary, signed by any justice of the peace for the county or riding in which such gaol, prison, or house of correction shall be locally situate, together with a copy of the order under which the said non-commissioned officer or private marine was confined: Provided always, that it shall be lawful for the said lord high admiral or the said commissioners for the time being, if they should think fit, to order the issue and payment of any arrears of pay, or of the surplus of such pay, or any portion thereof, or of any arrears thereof, to or on account of such non-commissioned officer or private marine, during or after the expiration of the period of his imprisonment in any gaol, house of correction, or place of military confinement.

Gaoler to receive 6*d.* per Day for Subsistence of Prisoner.

Like Allowance of 6*d.* per Day in Places of Military Confinement.

XXI. Provided always, and be it enacted, That in case such imprisonment shall be in any place of military confinement, and not in a common gaol or house of correction, then the like allowance of sixpence *per* day for subsistence shall be made by the paymaster-general of royal marines to the non-commissioned officer or private marine so imprisoned, in lieu of all pay or other allowances.

The Party tried entitled to a Copy of the Sentence and Proceedings.

XXII. And be it enacted, That the party tried by any general court-martial to be held as aforesaid shall be entitled to a copy of the sentence and proceedings of such courts-martial, upon demand thereof made by himself, or by any other person or persons on his behalf, he or they paying reasonably for the same, at any time not sooner than three months after such sentence, whether such sentence be approved or not; any thing in this Act to the contrary notwithstanding.

Original Proceedings, &c., of Courts-martial to be transmitted to the Secretary of the Admiralty.

XXIII. And be it enacted, That every judge advocate, or person officiating as such at any general court-martial to be held as aforesaid, do and he is hereby required to transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such court-martial, to the secretary of the admiralty for the time being; which original proceedings and sentence shall be by him carefully kept and preserved in the office of the admiralty of *Great Britain* and *Ireland*, to the end that the persons entitled thereto may be enabled, upon application to the said office, to obtain copies thereof according to the true intent and meaning of this Act.

None to be tried a Second Time for the same Offence.

XXIV. Provided always, and be it further enacted, That no marine, either officer or private man, being acquitted or convicted of any offence at any such court-martial as aforesaid, shall be liable to be tried a second time, by the same or any other court-martial for the same offence, unless in the case of an appeal from a divisional to a general court-martial; and that no sentence given by any court-martial, and signed by the president thereof, be liable to be revised more than once.

10 Geo. IV. c. 5.

Persons offending beyond Seas, &c., may be tried here.

XXV. And be it further enacted, That if any officer or private man in any of his Majesty's dominions beyond the seas, or elsewhere beyond the seas, shall commit any of the offences for which he may be liable to be tried by courts-martial by virtue of this Act, and shall escape and come or be brought into this realm before he be tried by a court-martial for such offence, and shall be apprehended for the same, such officer or private man shall be tried for the same as if the same offence had been committed within this realm.

Not to exempt from ordinary Process.

XXVI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to exempt any royal marine, either officer or private man, whatsoever, while on shore, from being proceeded against by the ordinary course of law for crimes thereby cognizable.

Persons acquitted, &c., by the Civil Magistrate.

XXVII. Provided also, and be it further enacted, That no person or persons, being acquitted or convicted of any capital crimes, violences, or offences, by the civil magistrate, shall be liable to be punished by a court-martial for the same, otherwise than by cashiering.

Persons committed for Criminal Offences not to receive Pay till they return to the Regiment, &c.

XXVIII. And be it further enacted, That no officer, non-commissioned officer, or private marine, who shall be arrested and committed to prison upon a charge of any criminal offence, shall receive any part of his pay from the day of such commitment till the day of his return to the company to which he shall belong, or which he shall be ordered to join; and if he shall be acquitted of the offence for which he was committed, he shall, upon his return to his company, with the approbation of the lords commissioners of the admiralty, on a reference to them of his case, but not otherwise, be entitled to receive all arrears of pay which were growing due during the time of his confinement; but if he shall be convicted, he shall forfeit all right to any pay from the day of his commitment during the time of his confinement, as well under the original commitment as under any commitment consequent upon such conviction, and until the day of his return to the company to which he shall belong, or which he shall be ordered to join: Provided always, that it shall be lawful for the said lord high admiral, or two or more of the commissioners for executing the said office of lord high admiral, for the time being, to order the issue and payment to any such non-commissioned officer or private marine, during any such commitment or imprisonment, or either of them, or any part thereof, of the pay of any such officer, non-commissioned officer, or private marine, or of any proportion of such pay, or of any arrears thereof, either during such commitment or imprisonment, or after the discharge of such officer, non-commissioned officer, or private marine, after conviction or otherwise, as shall appear to the said lord high admiral or the said commissioners to be proper; and the order of the said lord high admiral or any two of the said commissioners for the payment of such pay or arrears shall be a sufficient discharge for such payment.

Persons accused of Capital Crimes, &c., to be delivered over to the Civil Magistrate, &c.

Penalty for Refusal.

XXIX. And be it further enacted, That if any marine officer, non-commissioned officer, or private man shall be accused of any capital crime, or of any violence or offence against the person, estate, or property of any of his Majesty's subjects, which is punishable by the known laws of the land, the commanding officer or officers of every company or party is and are hereby required to use his and their utmost endeavours to deliver over such accused person to the civil magistrate, and shall be also aiding and assisting to the officers of justice in the seizing and apprehending such offender, in order to bring him to trial; and if any such commanding officer shall wilfully neglect or refuse, upon application made to him for that purpose, to deliver over any such accused person to the civil magistrate, or to be aiding and assisting to the officers of justice in apprehending such offender, every such officer so offending, and being thereof convicted before any two or more justices of the peace for the county where the offence is committed, by the oath of two credible witnesses, shall be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any civil or military office or employment within this kingdom or in his Majesty's service; provided the said conviction be

affirmed at the next quarter sessions of the peace for the said county, and a certificate thereof be transmitted to the judge advocate, who is hereby obliged to certify the same to the next court-martial.

Constables, &c., to quarter Officers and Men in Inns, Alehouses, &c.

XXX. And whereas there is and may be occasion for the marching and quartering of the said royal marine forces in several parts of this kingdom; be it further enacted, That for and during the continuance of this Act, and no longer, (in pursuance of an order or orders in writing in that behalf, under the hand of the said lord high admiral, or under the hands of two or more of the commissioners for executing the said office of lord high admiral for the time being,) it shall and may be lawful to and for the constables, tithingmen, headboroughs, and other chief officers and magistrates of cities, towns, and villages, and other places within *England* and *Wales* and for the town of *Berwick-upon-Tweed*, and, in their default or absence, for any one justice of the peace inhabiting in or near any such city, town, village, or place, and for no others, and such constables and other chief magistrates as aforesaid are hereby required to quarter and billet the marines, both officers and private men, in his Majesty's service, in inns, livery stables, alehouses, victualling-houses, and the houses of sellers of wine by retail to be drank in their own houses or places thereunto belonging, and all houses of persons selling brandy, strong waters, cider, or metheglin by retail, to be drank in their own houses, other than and except canteens held and occupied under the authority of the commissioners for the affairs of barracks, or of the department of the ordnance, or of the said lord high admiral or of the said commissioners for executing the office of lord high admiral, and other than and except the house or houses of any distillers who keep houses or places for distilling brandy or strong waters, and the house of any shopkeeper whose principal dealings shall be more in other goods and merchandize than in brandy and strong waters (so as such distillers and shopkeepers do not permit or suffer tippling in his or their houses), and in no other, and in no private houses whatsoever without the consent of the occupier; nor shall any more billets at any time be ordered than there are effective royal marines present to be quartered; and if any constable, tithingman, or such like officer or magistrate as aforesaid, shall presume to quarter or billet any such officer or private man in any such private house, without the consent of the occupier, in such case such occupier shall have his or her remedy at law against such magistrate or officer for the damages that such occupier shall sustain thereby; and if any marine officer shall take upon him to quarter private men otherwise than is limited and allowed by this Act, or shall use or offer any menace or compulsion to any mayors, constables, or other civil officers before mentioned, tending to deter and discourage any of them from performing any part of their duty hereby required or appointed, such marine officer shall for every such offence, being thereof convicted before any two or more of the next justices of the peace of the county where the offence shall be committed, by the oath of two credible witnesses, be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any military employment within this kingdom, or in his Majesty's service; provided the said conviction be affirmed at the next quarter sessions of the peace of the said county, and a certificate thereof be transmitted to the judge advocate, who is hereby obliged to certify the same to the next court-martial; and in case any person shall find himself aggrieved, in that such constable, tithingman, or headborough, chief officer or magistrate (such chief officer or magistrate not being a justice of the peace), has quartered or billetted in his house a greater number of royal marines than he ought to bear in proportion to his neighbours, and shall complain thereof to one or more justice or justices of the peace of the division, city, or liberty where such royal marines are quartered; or in case such chief officer or magistrate shall be a justice of the peace, then on complaint made to two or more justices of the peace of such division, city, or liberty, such justice or justices respectively shall have, and is or are hereby declared to have, power to relieve such person, by ordering such and so many of the said royal marines to be removed, and quartered upon such other person or persons

but in no Distillers or Shopkeepers' Houses, or in any private Houses.

Penalty on Officers quartering Men contrary to this Act, &c.

Persons aggrieved by being quartered on may complain to any Justice, and be relieved.

10 Geo. IV. c. 5.

as they shall see cause; and such other person or persons shall be obliged to receive such royal marines accordingly.

Penalty on Constables, &c., neglecting to quarter Marines; or taking Money to excuse any Person.

XXXI. And be it further enacted, That if any high constable, constable, beadle, or other officer or person whomsoever, who by virtue or colour of this Act shall quarter or billet, or be employed in quartering or billetting, any marine officers or private men, shall neglect or refuse for the space of two hours to quarter or billet such officers or marines, when thereunto required, in such manner as is by this Act directed, provided sufficient notice be given before the arrival of such forces; or shall receive, demand, contract, or agree for any sum or sums of money, or any reward whatsoever, for or on account of excusing, or in order to excuse, any person or persons whomsoever from quartering or receiving into his, her, or their house or houses any such officer or marine; or in case any victualler, or any other person liable by this Act to have any officer or marine billetted or quartered on him or her, shall refuse to receive or to afford proper accommodation to or to victual any such officer or marine so quartered or billetted upon him or her as aforesaid; or shall refuse to furnish or allow, according to the directions of this Act, the several things herein respectively directed to be furnished or allowed to non-commissioned officers or marines so quartered or billetted upon him or her as aforesaid, at the rate which is or shall be established by any Act or Acts in force in that behalf, and shall be thereof convicted before any one or more justice or justices of the peace of the county, city, or liberty within which such offence shall be committed, either by his own confession, or by the oath of one or more credible witness or witnesses (which oath the said justice or justices is and are hereby empowered to administer), every such high constable, constable, beadle, or other officer or person so offending, shall forfeit for every such offence the sum of five pounds, or any sum not exceeding five pounds nor less than forty shillings, as the said justice or justices before whom the matter shall be heard shall in his or their discretion think fit; to be levied by distress and sale of the goods of the person offending, by warrant under the hand and seal or hands and seals of the justice or justices before whom such offender shall be convicted, or of one or more of them, to be directed to any other constable within the county, city, or liberty, or to any of the overseers of the poor of the parish where the offender shall dwell; and the said sum of five pounds, or the said sum not exceeding five pounds nor less than forty shillings, when levied, shall be paid to the overseers of the poor of the parish where the offence shall be committed, or to some one of them, for the use of the poor of such parish.

Penalty on Victuallers refusing to receive Marines.

Justices may order Constables to give an Account of the Number of Officers and Private Men, and where quartered.

XXXII. And for better preventing abuses in quartering or billetting the royal marines in pursuance of this Act, be it further enacted, That it shall and may be lawful to and for any one or more justice or justices of the peace within their respective counties, cities, or liberties, by warrant or order under his or their hand and seal or hands and seals, at any time or times, during the continuance of this Act, to require and command any high constable, constable, beadle, or other officer or person, who shall quarter or billet any royal marines in pursuance of this Act, to give an account in writing unto the said justice or justices requiring the same, of the number of officers and private men who shall be quartered or billetted by them, and also the names of the housekeepers or persons upon whom every such officer or private man shall be quartered or billetted, together with an account of the street or place where every such housekeeper dwells, and of the signs (if any) belonging to their houses, to the end it may appear to the said justice or justices where such officers and private men are quartered or billetted, and that he or they may thereby be the better enabled to prevent or punish all abuses in the quartering or billetting of them.

Marines not to be billetted near the Place mentioned in the Route.

XXXIII. And as very great detriment and inconvenience arise to the service from the dispersing and billetting of marines, when on a march, at a great distance from the place or places where they are meant to be quartered, by reason of which they are placed wide of their intended route for the next day's march; be it therefore enacted, That at no time when

marines are on a march shall any of them be billetted above one mile from the place or places mentioned in the route.

Officers and Marines to pay Rates for their Provisions.

XXXIV. And be it further enacted, That the marine officers and private men so quartered and billetted as aforesaid shall be received and furnished with diet and small beer by the owners of the inns, livery stables, alehouses, victualling-houses, and the houses of sellers of wine by retail, to be drank in their own houses or places thereunto belonging, and other houses in which they are allowed to be quartered and billetted by this Act; paying and allowing for the same the several rates that are or shall be established by any Act or Acts in force in that respect.

If Innholders refuse to furnish the Men quartered on them with Meat, they shall allow them Candles, Small Beer, &c., gratis.

XXXV. Provided always, and be it enacted, That in case any innholders, or other persons on whom any non-commissioned officers or private men shall be quartered by virtue of this Act, (except on a march or employed in recruiting, and likewise except the recruits by them raised, for the space of seven days at most for such non-commissioned officers and private men who are recruiting, and recruits by them raised,) shall be desirous to furnish such non-commissioned officers and private men with candles, vinegar, and salt, and with either small beer or cider, not exceeding five pints for each man *per diem*, *gratis*, and allow to such non-commissioned officer or private men the use of fire and the necessary utensils for dressing and eating their meat, and shall give notice of such his desire to the commanding officer, and shall furnish and allow the same accordingly, then and in such case the non-commissioned officers and private men so quartered shall provide their own victuals; and the officer to whom it belongs to receive or who shall actually receive the pay and subsistence of such non-commissioned officers and private men, shall pay the several sums that are or shall be established by any Act or Acts in force in that behalf to the non-commissioned officers and private men aforesaid, and not to the innholder or other person on whom such non-commissioned officers and private men are quartered; any thing herein-contained to the contrary notwithstanding.

Commanding Officer may exchange Marines in their Quarters;

XXXVI. And whereas it may be for the benefit of the service for the commanding officer to have power to exchange the billets or quarters of marines quartered in the same town or place; be it therefore enacted, That the commanding officer of royal marines, in any town or place where such marine forces are quartered, shall and he is hereby empowered from time to time to exchange any marine or marines quartered in such town or place, for any other marine or marines quartered in the same town or place, provided the number of men do not exceed the number at that time billetted on such houses respectively where such men shall be exchanged; and the constables, tithingmen, headboroughs, and other chief officers and magistrates of the cities, towns, and villages, or other places, where any of the said royal marine forces shall be quartered, are hereby required to billet such men so exchanged accordingly.

Penalty on taking Money to excuse any Person from quartering.

XXXVII. And be it further enacted, That *if any marine officer shall* take or cause to be taken, or knowingly suffer to be taken, any money of any person for excusing the quartering of officers or private men, or any of them, in any house allowed by this Act, every such officer shall be cashiered, and be incapable of serving in any military employment whatsoever.

Officers to give Notice to Innkeepers of Subsistence-money in their Hands, &c.

XXXVIII. And that the quarters both of the said marine officers and private men, while on shore as aforesaid, may, during the continuance of this Act be duly paid and satisfied, and his Majesty's duties of excise better answered, be it enacted, That from and after the said twenty-fourth day of *March* one thousand eight hundred and twenty-nine, every officer or other person to whom it belongs to receive or that shall actually receive the pay or subsistence-money for one or more particular company or companies of the said royal marine forces, or otherwise, shall, immediately upon each receipt of every particular sum which shall from time to time be paid, return, or come to his or their hands on account of pay or subsistence, give public notice thereof to all persons keeping inns, or other places where officers or private men are quartered by virtue of this Act; and shall also appoint the said innkeepers and others to repair to

10 Geo. IV. c. 5.

their quarters at such times as they shall appoint for the distribution and payment of the said pay or subsistence-money to such officers or private men, which shall be within four days at the farthest after the receipt of the same as aforesaid; and the said innkeepers and others shall then and there acquaint such officer or officers with the accounts or debts (if any shall be) between them and the officers and private men so quartered in their respective houses; which accounts the said officer or officers is or are hereby required to accept of, and immediately pay the same, before any part of the said pay or subsistence be distributed either to the officers or private men; and if any officer or officers as aforesaid shall not give notice as aforesaid, and shall not immediately upon producing such account stated, satisfy, content, and pay the same, upon complaint on oath made thereof by any two witnesses at the next quarter sessions for the county or city wherein such quarters were (which oath the justices of the peace at such sessions are hereby authorized and required to administer), the paymaster or person for the time being authorized to pay the said royal marine forces is hereby required and authorized (upon certificate of the said justices before whom such complaint on oath was made, of the sum due upon such accounts, and the persons to whom the same is owing) to pay and satisfy the said sums out of the arrears due to the said marine officer or officers, upon pain that such paymaster or person shall forfeit their respective place or places of paymaster or otherwise, and be discharged from holding the same for the future; and in case there shall be no arrears due to the said officer or officers, then the said paymaster, or person for the time being authorized to pay the said royal marine forces, is hereby authorized and required to deduct the sums he shall pay, pursuant to the certificate of the said justices, out of the next pay or subsistence-money of the company to which such officer or officers shall belong; and such officer or officers shall for such offence, or for neglecting to give notice of the receipt of such pay or subsistence-money as aforesaid, be deemed and taken and are hereby declared to be *ipso facto* cashiered.

On moving from Quarters, the Officer to make up Accounts, and give Certificates for Money due.

XXXIX. And where it may happen that the subsistence money due to any marine officer or private man shall, by occasion of any accident, not be paid to such officer or private man, or such officer or private man shall neglect to pay the same, so that quarters cannot be or are not paid as this Act directs; in every such case it is hereby further enacted, That every such officer shall, before his or their departure out of his or their quarters where such company shall remain for any time whatsoever, make up the accounts as this Act directs with every person with whom such company shall have quartered, and sign a certificate thereof, and give the said certificate so by him signed to the party to whom such money is due, with the name of such company to which he or they shall belong, to the end the said certificate may be forthwith transmitted to the proper paymaster of the royal marines, who is hereby required immediately to make payment thereof to the person or persons to whom such money shall be due, to the end the same may be applied to such company, under pain as is before in this Act directed for non-payment of quarters.

Paymaster to pay the Sum certified for.

Officers, &c., to be quartered in Scotland as the Laws in force at the Union direct.

XL. And be it enacted, That it shall and may be lawful to quarter officers and private men of his Majesty's royal marine forces in *Scotland* in such and the like places and houses as officers and private men of the land forces might have been quartered in by the laws in force in *Scotland* at the time of the union; and the possessors of such houses shall only be liable to furnish the said marine officers and private men quartered there as by the said laws in force at the time of the union was provided with respect to the officers and private men of the land forces; and that no such marine officer shall be obliged to pay for his lodging where he shall be regularly billetted, except in the suburbs of *Edinburgh*.

Officers, &c., to be quartered in Ireland as the Laws in force at the Union direct.

XLI. And be it further enacted, That it shall and may be lawful to quarter officers and marines in *Ireland* in such and the like places and houses as they might have been quartered in by the laws in force in *Ireland* at the time of its union with *Great Britain*, and the possessors of such houses shall only be liable to furnish the said officers and marines quartered there as by the said laws in force at the time of the said union was

provided; and if any person in *Ireland*, liable to have officers and marines quartered and billetted on him, shall refuse to receive or victual any such officer or marine so quartered and billetted upon him or her as aforesaid, or shall refuse to furnish any such officer or marine so quartered or billetted in such manner as by the said laws in force in *Ireland* at the time of the said union was provided, every such person so refusing shall be subject and liable to all such penalties as any person so refusing was liable to under or by virtue of any laws in force in *Ireland* at the time of the said union.

No Officer, &c., to be quartered on any Foreign Consul.

XLII. Provided always, and be it further enacted, That it shall not be lawful to quarter or billet, in any part of the United Kingdom, any officer or marine upon or in the house of any foreign consul duly accredited as such, any thing in this Act, or in any Act or Acts, or law or custom, to the contrary notwithstanding.

Licences to Persons authorized to hold Canteens.

XLIII. And be it further enacted, That it shall be lawful for any two justices of the peace, or any two magistrates, within their respective jurisdictions, to grant or transfer any licence for selling ale by retail, or cider or perry, to be drank or consumed in any house or houses or premises, where more houses or premises than one shall be held together by the same person or persons as a canteen, or any licence to sell spirituous liquors or strong waters, or wine or liquor, by retail, to any person or persons applying for the same, who shall hold any canteen under any lease thereof, or any agreement or other authority from the said lord high admiral, or two or more of the commissioners for executing the said office of lord high admiral, for the time being, or from the paymasters and inspectors general of his Majesty's royal marine forces, without regard to the time of year or any notices or certificates specified or required in relation to the applying for or granting any such licences; any thing in any Act or Acts to the contrary notwithstanding; and it shall also be lawful for his Majesty's commissioners of excise in *England*, *Ireland*, and *Scotland* respectively, or any person appointed or employed by the said commissioners in *England* or *Ireland* respectively in that behalf, or for any collectors or supervisors of excise within their respective districts, and they are hereby required to grant licences for selling beer or ale by retail, or cider or perry, to be drank or consumed in the houses or premises occupied as a canteen of the person or persons applying for such licence, or any licence to sell spirituous liquors or strong waters, or wine or liquors, by retail, to any such person or persons who shall hold any such canteen under any such licence or transfer of any such licence of any justice or magistrate as aforesaid; and it shall also be lawful for any person or persons holding any such canteen under any such lease, agreement, or authority as aforesaid, and having such licences as aforesaid, to keep such canteen, and to utter and sell therein, and in the premises thereto belonging, and not elsewhere, victuals and all such exciseable liquors as he and they shall be licensed and empowered to sell under the authority and permission of any such excise licence as aforesaid, without being subject to any penalty or forfeiture; any thing in any Act or Acts to the contrary notwithstanding.

For ascertaining the Place of Settlement of Marines having Wife or Children.

XLIV. And be it further enacted, That it shall and may be lawful for any justice of the peace for the county, town, or place where any non-commissioned officer or private marine shall be quartered, in that part of *Great Britain* called *England*, in case such non-commissioned officer or private marine have either wife or child or children, to cause such non-commissioned officer or private marine to be summoned before him in the town or place where such non-commissioned officer or private marine shall be quartered, in order to make oath of the place of his last legal settlement (which oath the said justice is hereby empowered to administer); and such non-commissioned officer or private marine as aforesaid is hereby directed to obey such summons, and to make oath accordingly; and such justice is hereby required to take the examination of such non-commissioned officer or private marine in writing, and to give an attested copy of the examination so taken before him to the person so examined, to be by him delivered to his commanding officer, in order to be produced

10 Geo. IV. c. 5.

when required; which said examination and such attested copy shall be at any time admitted in evidence as to such last legal settlement, before any of his Majesty's justices of the peace, or at any general or quarter sessions of the peace, although such non-commissioned officer or private marine be dead or absent from the kingdom: Provided always, that in case any non-commissioned officer or private marine shall be again summoned to make oath as aforesaid, then, on such examination or such attested copy being produced by him or by any other person on his behalf, such non-commissioned officer or private marine shall not be obliged to take any other or further oath with regard to his legal settlement, but shall leave a copy of such examination, or a copy of such attested copy of examination, if required.

Justices may order Constables to provide Carriages for Marine Forces on their Marches.

XLV. And be it further enacted, That for the better and more regular provision of carriages for his Majesty's royal marine forces on their marches, or for their arms, clothes, and accoutrements, in *England*, *Wales*, and the town of *Berwick-upon-Tweed*, all justices of the peace within the several counties, ridings, divisions, shires, liberties, and precincts, being duly required thereunto by the said lord high admiral, or two or more of the commissioners for executing the said office of lord high admiral, for the time being, by an order in writing under his or their respective hand or hands, shall, as often as such order shall be brought and shown unto one or more such justice or justices by the officer or officers of the company or companies of royal marines so ordered to march, issue out his or their warrant or warrants to the high constable or petty constable of the division, riding, city, liberty, hundred, or precinct, from, through, near, or to which such company or companies shall be ordered to march, for each of which warrants a fee of one shilling only shall be paid, requiring them to make such provision for carriages, with able men to drive the same, as shall be mentioned in the said warrant, allowing them sufficient time to do the same, that the neigbouring parts may not always bear the burthen; and in case sufficient carriages cannot be provided within any such riding, city, liberty, hundred, division, or precinct, then the next justice or justices of the peace for the county, riding, or division shall, upon such order as aforesaid being brought or shown to one or more of them by any of the marine officers aforesaid, issue his or their warrant or warrants to the high constables or petty constables of such next county, riding, liberty, division, or precinct, for the purposes aforesaid, to make up such deficiency; and the aforesaid officer or officers who, by virtue of the aforesaid warrant or warrants from such justice or justices of the peace, is or are to demand the carriage or carriages therein mentioned of the high constable or petty constable to whom the warrant is directed, is and are hereby required at the same time to pay down in hand to the said constable or petty constable, for the use of the person who shall provide such carriages and men, the respective sums herein-after mentioned, for which respective sums so received the said constable or petty constable is hereby required to give a receipt in writing to the person or persons paying the same; and such constable or petty constable shall order and appoint such person or persons having carriages within their respective liberties, as they shall think proper, to provide and furnish such carriages and horses and oxen and men according to the warrant aforesaid, who are hereby required to provide and furnish the same accordingly; and no person owning or driving, or causing to be driven, any such waggon, wain, cart, or other carriage, shall be subject to any penalty or forfeiture, nor shall any such waggon, wain, cart, or other carriage be stopped or detained by reason of any weight in any such waggon, wain, cart, or other carriage, or of being drawn by any number of horses or oxen; but it shall be lawful for any owner of any such waggon, wain, cart, or other carriage, to put any additional number of horses or oxen to those prescribed or paid for under this Act; any thing in any Act or Acts relating to highways or turnpike roads, or any particular highway or road, to the contrary notwithstanding; and if any marine officer or officers, for the use of whose company or companies the carriage was provided, shall force and constrain

Waggons, &c., not to be stopped on account of Weight or Number of Horses.

Penalty on Officer forcing Waggons to travel more than One Day's Journey, &c.

any waggon, wain, cart, or carriage to travel more than one day's journey, or shall not discharge the same in due time for their return home, or shall suffer any marine or servant (except such as are sick), or any woman, to ride in the waggon, wain, cart, or carriage as aforesaid, or shall force any constable or petty constable, by threatening or menacing words, to provide saddle horses for themselves or servants, or shall force horses from the owners, by themselves, servants, or private men, every such officer for every such offence shall forfeit the sum of five pounds; proof thereof being made upon oath before two of his Majesty's justices of the peace for the county or riding where the offence shall be committed, who are to certify the same to the proper paymaster of his Majesty's royal marine forces, who is hereby required to pay the aforesaid sum of five pounds, according to any order and appointment under the hands and seals of the justices of the peace, and is also hereby empowered to deduct the same out of such officer's pay.

Rates of Carriage.

XLVI. And be it further enacted, That the sums to be paid into the hands of such constable or petty constable in *England*, *Wales*, and *Berwick-upon-Tweed*, shall be according to the following rates; (that is to say,) the sum of one shilling for every mile and waggon with four or more horses, or in any wain with six oxen, or four oxen with two horses, shall travel; and the sum of nine-pence for every mile any cart with four horses, or carrying not less than fifteen hundred weight, shall travel; and the sum of sixpence for every mile any waggon with narrow wheels, or any cart or other carriage with less than four horses, and not carrying fifteen hundred weight, shall travel; or any further sum not exceeding four-pence for every mile any waggon with four or more horses, or any wain with six oxen, or with four oxen and two horses, shall travel; and not exceeding three-pence for every mile any cart with four horses, or carrying not less than fifteen hundred weight, shall travel; and not exceeding two-pence for every mile any cart or other carriage with less than four horses, and not carrying fifteen hundred weight, shall travel; such further sum of four-pence, three-pence, or two-pence respectively, or such proportion of those rates as may be deemed fair and reasonable, to be fixed and ordered by the justices of the peace for any county or district, assembled at any general sessions of the peace for such county or district, the said justices having regard to the price of hay and oats, and specifying in their order the average price thereof, at the nearest market town at the time of fixing such additional rates: Provided always that in cases where the day's march shall exceed fifteen miles, such further compensation shall be made and paid in like manner to the owners of the said carriages, for the excess beyond the said fifteen miles, as shall be deemed reasonable by the magistrates who granted the warrant for impressing them, not exceeding the usual rate and hire of such carriages; and every order of the justices assembled at any general sessions of the peace, fixing a further sum to be paid for the hire of carriages as aforesaid, in addition to the customary rates of one shilling and nine-pence and sixpence *per* mile respectively, shall specify the period for which the same shall be in force, and which shall not in any case exceed ten days beyond the general sessions of the peace for such county or district next ensuing the date of such order; and a copy of every such order, signed by the chairman or presiding magistrate and one other justice of the peace or magistrate at the quarter sessions at which the same shall be made, shall within three days after the making thereof be transmitted to the secretary of the admiralty; and no such order shall be valid or effectual unless a copy thereof be so signed and transmitted as aforesaid: Provided also, that in every case of any further sum being allowed as aforesaid for the hire of any carriage, the justice of the peace granting or signing such warrant shall insert in his own hand the amount of such further sum for each description of carriage, as so authorized by the justices at the quarter sessions as aforesaid, and the date of the order of the said justice; and such warrant shall be given to the officer or non-commissioned officer commanding the regiment, corps, company, detachment, or party requiring such carriages, as his voucher for the payment of such further sum; and no further sum shall

10 Geo. IV. c. 5.

be demanded but such as shall be so inserted by the justice in the warrant.

For providing Carriages at Places distant from the Residence of any Justice of the Peace.

XLVII. And whereas great inconvenience often arises from there being no justice of the peace or magistrate residing near to places specified in routes at which royal marines are to halt and be billetted and quartered on the march, to issue warrants for providing of carriages; for remedy whereof be it enacted, That it shall be lawful for any constable, tithingman, or headborough duly authorized for that purpose by warrant under the hand and seal of any justice or justices of the peace residing nearest to such place or places, to make and give orders for the providing of carriages for the baggage of royal marines on march, and to appoint persons having carriages within their respective liberties or jurisdictions to provide and furnish such carriages, without having any special or particular warrant for that purpose; and all such orders and appointments shall be and be deemed to be as valid and effectual in all respects and to all intents and purposes as if the same had been made and given by the justice or justices of the peace having such authority: Provided always, that every such justice of the peace shall, at the time of giving such warrant and authority, and thereafter once in each year, or oftener if necessary, cause a list or lists to be made out of all persons liable to furnish such carriages under such warrant, and of the number and description of carriages belonging respectively to the persons so liable to be required to furnish carriages for baggage or for troops on the march; and such lists shall, at all seasonable hours, be open to the inspection of all persons whose names shall be inserted therein; and all orders and appointments for such carriages shall be made and taken from such lists in regular rotation as far as the same can be done, so that the providing such carriages shall be equally distributed among the several persons liable to furnish the same under the provisions of this Act.

Lists to be made out of Persons liable to furnish Carriages, and all Orders to be made therefrom in Rotation.

Penalty on Constables, &c., for Neglect.

XLVIII. And be it enacted, That if any high constable or petty constable shall wilfully neglect or refuse to execute any such warrant of the said justice or justices of the peace as shall be directed unto such constable or petty constable, for providing carriages as aforesaid or shall demand or receive, for the use of the owners furnishing such waggons, wains, carts, or carriages, more than the accustomed rates *per* mile, of one shilling, nine-pence, or sixpence, according to the size of the respective carriages as aforesaid, unless any further sums, not exceeding the amount hereinbefore specified, shall have been previously fixed and ordered by the justices at any general sessions of the peace assembled as aforesaid; or if any person or persons, appointed by such constable or petty constable to provide and furnish any carriage and man, shall refuse or neglect to provide the same; or any other person or persons whomsoever shall wilfully do any act or thing whereby the execution of any such warrant or warrants shall be hindered or frustrated; every such constable, or other person or persons so offending, shall for every such offence forfeit any sum not exceeding five pounds nor less than forty shillings, to the use of the poor of such parish or parishes adjoining to the parish where any such offence shall be committed, as shall be fixed upon by the justice or justices by whom such offence shall be inquired of, heard, and determined; and all and every such offence and offences shall be inquired of, heard, and fully determined by two of his Majesty's justices of the peace dwelling in or near the place where such offence shall be committed, who are hereby empowered to cause the said penalty to be levied by distress and sale of the offender's goods and chattels, rendering the overplus (if any) to the owner.

Officers and Marines, &c., and Carriages employed in his Majesty's Service, exempted from Payment of Toll.

XLIX. And whereas, in consequence of certain exemptions from tolls expressly allowed by several Acts for his Majesty's forces on their march or on duty, and for the horses and carriages attending them, doubts have arisen whether in all cases not so exempted the officers and marines, and the carriages and horses, boats, barges, and other vessels belonging to his Majesty, or employed in his service, and returning therefrom, may not be charged with the payment of tolls; therefore, for obviating such doubts, it is hereby enacted and declared, That all his Majesty's officers and ma-

rines, being in proper uniform, and their horses, on duty or on their march, and all carriages and horses belonging to his Majesty, or employed in his service, and returning therefrom and also all boats, barges, and other vessels belonging to his Majesty, or employed in his service, when conveying the officers, marines, servants, women, children, or other persons of or belonging to his Majesty's royal marine forces, or the arms, clothes, accoutrements, tents, baggage, and other equipage of or belonging to his Majesty's royal marine forces, on their march, or returning therefrom, were and are and shall be exempted from payment of any duties and tolls otherwise demandable, by virtue of any Act already made or hereafter to be made, for persons, horses, carriages, or vessels passing turnpike roads, bridges, rivers, canals, or locks, unless by such Act it has been or shall be expressly provided that the said officers, royal marines, carriages, horses, and vessels are and shall be liable equally with others to the duties and tolls therein authorized to be demanded and taken.

Treasurer of the County to repay the Constables extraordinary Charge.

L. And whereas the respective sums of money by this Act appointed to be paid to the constables, by the officers demanding such carriages, may not in many cases be sufficient to answer the charge and expence of providing the same, whereby the said constables may be frequently at great charges, over and above what is received by them of the said officers, to the great burthen of the townships in which they are respectively constables, or else the persons furnishing such carriages may be grievously oppressed; to prevent which, and that such overplus charge may be borne by each county or riding at the general charge of such county or riding, be it further enacted, That the treasurer or treasurers of each respective county or riding shall, without fee or reward, pay unto such constable all and every such reasonable sum or sums of money so by him paid or laid out for such carriages, over and above what was or ought to have been paid by the marine officer requiring such carriages, out of the public stock of such county or riding, according to such rates, orders, rules, and directions as the said justices of the peace in their quarter sessions assembled, within their respective jurisdictions, shall from time to time during the continuance of this Act make, direct, and appoint, (which orders shall be made without fee or reward); regard being always had to the season of the year, and the length and condition of the roads through which such carriages are to travel.

The Money for that Purpose how to be raised.

LI. And in case the said public stock of the county or riding be not sufficient (over and above the other purposes for which it was raised) to satisfy the extraordinary charge of carriages before mentioned, it is hereby further enacted, That the said justices of the peace in the quarter sessions assembled shall have power from time to time to raise money upon the respective counties or ridings, in such manner as they now raise monies for building or repairing county gaols and bridges, to satisfy the said extraordinary charges of carriages.

No Waggon, &c., liable to carry above 20 cwt.

LII. Provided always, and be it further enacted, That no waggon, wain, cart, or carriage impressed by authority of this Act shall be liable or obliged by virtue of this Act to carry above twenty hundred weight; any thing in this Act contained to the contrary notwithstanding.

Carriages in Scotland how to be provided.

LIII. And be it further enacted, That the carriages for the service of royal marine forces quartered or marched in *Scotland* shall be provided in like manner, and at the rates, and the furnisher of such carriages shall be paid, as was directed by the laws in force in *Scotland* at the time of the union, with regard to furnishing carriages for land forces: Provided always, that a cart with one or more horses, for which the furnisher shall demand or receive nine-pence *per* mile, shall be required to carry fifteen hundred weight at the least.

Carts to carry 15 cwt. at 9*d.* per Mile.

Carriages in Ireland how to be provided.

LIV. And be it further enacted, That the carriages for the service of the royal marine forces from time to time quartered or marching in *Ireland* shall be provided in like manner, at the rates, and the furnisher of such carriages shall be paid, as was directed by the laws in force in *Ireland* at the time of its union with *Great Britain*.

Marines Wives &c., not to be quartered without Consent.

LV. And be it further enacted, That if any officer, military or civil, by

10 Geo. IV. c. 5.

this Act authorized to quarter soldiers in any houses hereby appointed for that purpose, shall, at any time during the continuance of this Act, quarter any of the wives, children, men or maid servants, of any officer or marine in any such houses, against the consent of the owners, the party offending, if an officer of the royal marines, shall upon complaint and proof thereof made to the lord high admiral, or to the commissioners for executing the office of lord high admiral, or judge advocate, be *ipso facto* cashiered; and if a constable, tithingman, or other civil officer, he shall forfeit to the party aggrieved twenty shillings, upon complaint and proof thereof made to the next justice of the peace, to be levied by warrant of such justice by distress and sale of his goods, rendering the overplus to the party, after deducting the reasonable charges of taking the same.

Penalty.

Penalty on Officers destroying Game, &c.

LVI. And for the better preservation of the game and fish in or near such place where any officers shall at any time be quartered, be it enacted, That if, from and after the twenty-fourth day of *March* one thousand eight hundred and twenty-nine, any officer shall, without leave first had and obtained from the person or persons entitled to grant such leave, take, kill, or destroy any hare, pheasant, partridge, or any other sort of game, or any fish, within the kingdom of *Great Britain* and *Ireland*, and upon complaint thereof, upon oath of one or more credible witness or witnesses, shall be convicted before any justice or justices of the peace, who is and are hereby empowered and authorized to hear and determine the same, every officer so offending shall for every such offence forfeit the sum of five pounds, to be distributed among the poor of the place where such offence shall be committed.

Constables, &c., may apprehend Deserters, and carry them before a Justice.

LVII. And whereas several marines, who being duly entered, may afterwards desert, and be found wandering, or otherwise absenting themselves illegally from his Majesty's service; it is hereby further enacted, That it shall and may be lawful to and for the constable, headborough, or tithingman of the town, parish, township, or place where any person who may reasonably be suspected to be such a deserter shall be found, or of any adjoining town, parish, township, or place, if no such constable, headborough, or tithingman can be immediately met with, then for any marine officer or marine, to apprehend or cause such suspected person to be apprehended, and to bring or cause him to be brought before any justice of the peace living in or near such town or place, and acting for the same or any adjoining county, who is hereby empowered and required to examine such suspected person; and if, by his confession, or the testimony of one or more witness or witnesses upon oath, or by knowledge of such justice of the peace, it shall appear or be found that such suspected person is a marine duly entered, and ought to be with the company to which he belongs, whether such company shall be employed on board any of his Majesty's ships or vessels, or quartered on shore, or employed on board any transport ship, or merchant ship or vessel, or any ship or vessel of his Majesty not being in commission, or any convict hulk or ship, such justice of the peace shall, without fee or reward to himself or his clerk, forthwith cause him to be conveyed to the gaol or the house of correction or other public prison in such town or place where such deserter shall be so brought before such justice of the peace, or if there be no gaol, house of correction, or other public prison in such town or place, then, at the discretion of such justice of the peace, to the nearest or most convenient gaol, house of correction, or other public prison in the same or any next adjoining county, and transmit an account thereof to the secretary of the admiralty for the time being, with a description of the person of such deserter, and the name of the division to which he may belong, to the end that he may be proceeded against according to law; and the keeper of every gaol, house of correction, or prison, shall receive such subsistence-money, for the maintenance of such deserter during the time he shall continue in his custody, as shall from time to time be directed in that behalf by the said lord high admiral or two or more of the commissioners for executing the said office of lord high admiral for the time being, but shall not be entitled to any fee or reward on account of the imprisonment of

Justices to detain such Deserters, and transmit an Account thereof to the Secretary of the Admiralty.

Gaol Keeper to receive the Subsistence-money of Deserters.

any such deserter: any law, usage, or custom to the contrary notwithstanding: Provided always, that it shall be lawful for the said lord high admiral or the said commissioners for the time being, if they should think fit, to order the issue and payment of any arrears of pay, or of the surplus of such pay, or any portion thereof to or on account of such non-commissioned officer or private marine, during or after the expiration of his period of imprisonment in any gaol or house of correction or other public prison.

Reward for taking up Deserters.

LVIII. And for the better encouragement of any person or persons to secure or apprehend such deserter, be it further enacted, That in the case of every deserter apprehended in *Great Britain* or *Ireland*, the secretary of the admiralty, upon receiving from the justice of the peace or other civil magistrate by whom the deserter shall have been committed, a report stating the name or names of the person or persons by whom the deserter was apprehended and secured, which report such magistrate is hereby required to give, shall transmit to such magistrate an order upon the paymaster of the royal marines for the payment of the sum of twenty shillings to the person or persons so reported by the magistrate, the amount of which reward shall be paid by the said paymaster and charged against the pay and subsistence of every such deserter, and shall be stopped and retained out of his pay and subsistence accordingly: Provided always, that this reward shall only be given in cases in which the said lord high admiral, or two or more of the commissioners for executing the said office of lord high admiral, for the time being, shall be satisfied that such person or persons is or are justly entitled to the same, according to the true intent and meaning of this Act.

Persons confessing themselves to be Deserters, to be deemed duly enlisted.

LIX. And be it further enacted, That if any person who shall voluntarily surrender or deliver himself up as a deserter from his Majesty's royal marine forces, or who, upon being apprehended for desertion or any other offence, shall, in the presence of the magistrate, confess himself to be a deserter from such forces, shall be deemed to have been duly enlisted, and to be a marine, and shall be liable to serve, whether such person shall have been ever actually enlisted as a marine or not; and if the person so confessing himself to be a deserter shall be serving at the time in the royal marine forces, he shall be deemed to be and shall be dealt with as a deserter.

Penalty on Persons concealing Deserters, &c.

LX. Provided always, and be it enacted, That if any person shall harbour, conceal, or assist any deserter from his Majesty's royal marine service in deserting or in concealing himself from such service, knowing him to be such deserter, the person so offending shall forfeit for every such offence the sum of twenty pounds; and upon conviction by the oath of one or more credible witness or witnesses, before one or more of his Majesty's justices of the peace, the said penalty of twenty pounds shall be levied by warrant under the hand of such justice of the peace, by distress and sale of the goods and chattels of the offender; one moiety of the said penalty to be paid to the informer, and the other moiety to be paid to the paymaster of the royal marine forces, and shall be credited by such paymaster in his public accounts; and a report of the penalty being adjudged shall be made to the secretary of the admiralty by the justices of the peace by whom the same shall have been imposed; and in case any such offender who shall be convicted as aforesaid of harbouring, concealing, or assisting any such deserter, shall not have sufficient goods and chattels whereon distress may be made to the value of the penalty awarded against him or her for such offence, or shall not pay such penalty within four days after such conviction, then and in such case such justice of the peace shall and may, by warrant under his hand and seal, commit such offender to the common gaol, there to remain without bail or mainprize for the space of six months.

Reward for apprehending Marines attempting to desert.

LXI. And whereas it has been judged expedient, for the prevention of desertion, to establish outlying parties in the vicinity of the respective divisions, for the purpose of intercepting such men as may straggle or attempt to desert from head quarters, and it is fit that encouragement should be given to persons composing such parties to be diligent and

10 Geo. IV. c. 5.

active in their duty in this behalf; be it therefore enacted, That for and in respect of every non-commissioned officer or private marine so straggling or attempting to desert, who may be apprehended at a greater distance from head quarters than is allowed by the articles of war, the party or parties by whom he shall be apprehended shall be entitled to a reward of ten shillings, to be paid upon the delivering up of such marine; which sum of ten shillings shall be charged against and stopped and retained out of the pay and subsistence of every such non-commissioned officer and private marine, in like manner as the reward or sum of twenty shillings is herein-before directed to be charged against, stopped and retained out of the pay and subsistence of every deserter; any thing herein contained to the contrary in anywise notwithstanding.

Relief for Recruits discharged before Expiration of twenty-four Hours after Enlistment.

LXII. And whereas many justices and chief magistrates have erroneously discharged recruits before the expiration of twenty-four hours after the time of their enlistment: And whereas such recruits are in consequence liable to be treated as deserters through such error of the justice or chief magistrate, and without any evil intention on their own part; be it therefore enacted, That no such recruit, who shall have been so erroneously discharged by a justice or chief magistrate previous to the twenty-fifth day of *March* one thousand eight hundred and twenty-nine, shall be liable on that account to be proceeded against as having absconded or deserted from his Majesty's service.

Penalty on Persons receiving the Arms, Clothes, &c., of Deserters, &c.

LXIII. And be it further enacted, That if any person shall knowingly detain, buy, or exchange, or otherwise receive any arms, ammunition, clothes, caps, or other furniture belonging to the King, from any marine, or marine deserter, or any other person, upon any account or pretence whatsoever, or any such articles belonging to any marine, or marine deserter, as are generally deemed regimental necessaries according to the custom of the royal marine corps (being provided for the marine, and paid for by the deductions out of his pay), or cause the colour of such clothes to be changed, every such person so offending shall forfeit for every such offence the sum of ten pounds; and upon conviction by the oath of one or more credible witness or witnesses before any one or more of his Majesty's justices of the peace, the said penalty shall be levied, by warrant under the hand of the said justice or justices of the peace, by distress and sale of the goods and chattels of the offender; one moiety thereof to be paid to the informer, if not a soldier or marine, and the other moiety to be paid to the paymaster of the royal marine forces, who shall report the same to the secretary of the admiralty, and credit the same in his public accounts; and in every case in which the informer shall be a soldier or a marine, the moiety of the said penalties shall be paid to the secretary of the admiralty, and shall be applied as a fund for the payment of the costs, charges, and expences of proceeding for the recovery of such penalties, in cases in which no sufficient goods and chattels shall be found whereby such penalties and costs can be levied by distress and sale as aforesaid; and a report of such penalty being adjudged shall be made to the secretary of the admiralty by the justices of the peace by whom the same shall have been imposed; and in case any such offender, who shall be so convicted, shall not have sufficient goods and chattels whereon distress may be made to the value of the penalty recovered against him or her for such offence, or shall not pay such penalty within four days after such conviction, then and in such case such justice or justices of the peace shall and may, by warrant under his or their hand and seal or hands and seals, either commit such offender to the common gaol, there to remain without bail or mainprize for the space of three calendar months, or cause such offender to be publicly or privately whipped, at the discretion of such justice or justices.

False Oaths.

LXIV. And be it further enacted, That if any person or persons taking a false oath in any case wherein an oath is required to be taken or authorized to be administered by this Act, shall be deemed guilty of wilful and corrupt perjury, and being thereof duly convicted, shall be liable to such pains and penalties as by any laws now in force any persons convicted of wilful and corrupt perjury are subject and liable to.

LXV. And whereas marines absent on furlough granted them by their commanding officers are sometimes prevented by sickness or other unavoidable casualty from returning to their duty before the expiration of the time limited by such furlough; and doubts have arisen whether in such cases the extension of a marine's furlough by a justice of the peace be sanctioned by legal authority, and effectual for preventing such marine from being apprehended upon suspicion of his having deserted; be it further enacted, That any inspecting field officer stationed on the recruiting service, or any officer of the rank of captain, or of superior rank, or any adjutant of local militia within the district, or in case there be no such officer as aforesaid within a convenient distance, then any justice of the peace may and he is hereby authorized to grant in writing under his hand an extension of furlough to any non-commissioned officer or private marine applying for the same, on account of sickness or other casualty which shall on due inquiry appear to render such extension necessary; and every such officer or justice of the peace, who shall grant to any non-commissioned officer or private marine an extension of furlough as aforesaid, shall immediately certify the same, with the cause of its being so granted, to the secretary of the admiralty, and the commandant of the division to which the said marine may belong; and such non-commissioned officer or private marine, during the period to which his furlough shall have been so extended as aforesaid, shall not be liable to be apprehended or otherwise molested on the ground of his having deserted or of criminally absenting himself from his division: Provided always, that nothing in this Act contained shall be construed to exempt any non-commissioned officer or private marine, whose furlough shall have been so extended as aforesaid, from being proceeded against and punished according to the provisions of this Act, should it thereafter appear that such non-commissioned officer or private marine had obtained the extension of his furlough by false representation made to such officer or justice of the peace as aforesaid, or, in applying for and obtaining the same, had committed any offence to the prejudice of good order or military discipline: Provided also, that no such furlough shall be extended by any such officer or justice of the peace for any longer period than one month, unless with the approbation of the general officer commanding the district where such marine shall be.

Furlough may be extended in case of Sickness, &c.

LXVI. Provided always, and be it further enacted, That in all cases in which any extension of furlough shall be granted as aforesaid in *England*, and upon the request of any such non-commissioned officer or private marine to whom the same shall be granted, it shall be lawful for the justice of the peace granting the same, or where the same shall be granted by any such officer as aforesaid, for any justice of the peace, upon the production of a certificate in writing from such officer, which he is hereby required to give, to make an order in writing, in the form in the schedule to this Act annexed, marked (D.) under his hand, upon the churchwardens and overseers of the poor of the parish, township, or place wherein such non-commissioned officer or private marine shall reside, requiring them to pay to such non-commissioned officer or private marine any sum of money directed in such order, not exceeding two-thirds of his daily pay; such justice of the peace taking particular care to state upon the furlough, in words, to the amount so directed by him to be paid, and the periods from and to which the same has been ordered to be issued, both inclusive, corroborating the statement of his signature, and further specifying upon the order to the parish officer of the date of the furlough originally granted, and the name of the commanding officer by whom signed; and the same so authorized shall be paid accordingly upon production and delivery to him of such order, by any such parish officer, out of any money in his hands applicable for the relief of the poor; and the same so advanced by such parish officer shall, upon the production and delivery of such order to the collector of excise of the district within which such parish, township, or place shall be situated, or any person officiating for such collector, be repaid to such parish officer, to be applied to the relief of the poor, by such collector of excise or other person, out of any public monies in his hands, and the same shall be allowed in his accounts; and

Order to be made for Pay due for the Period of the extended Furlough.

10 Geo. IV. c. 5.

such orders of justices shall be taken as cash in the payment of duties of excise received by him; and all sums of money so advanced out of any duties of excise shall be repaid to the account of the said duties by the paymaster of the royal marines to any person or persons authorized by the commissioners of excise in *England*, or any three or more of them, to draw for and receive the same: Provided always, that if any justice of the peace shall not think fit to make such order for paying any such money as aforesaid, he shall state his reasons for such refusal in writing at the back of the furlough.

His Majesty may make further Orders respecting such Payments.

LXVII. Provided also, and be it further enacted, That it shall be lawful for his Majesty to make any further or other regulations for the advancing of any such sums of money in all such cases of extension of furlough, and for the reimbursement thereof, as may be from time to time necessary for the carrying the same into effect, and insuring the immediate advance of such money, where necessary, in *Great Britain* or *Ireland*, and the due and regular reimbursements thereof.

Penalty for persuading Marines to desert.

LXVIII. And be it further enacted, That if any person or persons shall in any part of his Majesty's dominions directly or indirectly persuade, aid, assist, or procure any marine in the service of his Majesty, his heirs or successors, to desert or leave such service, and being thereof lawfully convicted, shall suffer such punishment by fine or imprisonment, or both, as the court before which the conviction may take place shall judge.

Offences against former Acts may be inquired of and punished as under this Act;

LXIX. And, in order to prevent all doubts which may arise in relation to punishing offences committed against former Acts made for the regulation of the royal marine forces while on shore, be it enacted, That all crimes and offences which have been committed against any of the former Acts in that behalf, shall and may, during the continuance of this present Act, be inquired of, heard, tried, and determined, adjudged, and punished, before and by the like courts, persons, powers, authorities, ways, means, and methods, as the like crimes and offences committed against this present Act may be inquired of, heard, tried, and determined, adjudged, and punished.

if committed within Three Years, except for Desertion.

LXX. Provided always, That no person shall be liable to be tried or punished for any offence committed against any of the said former Acts, which shall appear to have been committed more than three years before the issuing of the commission or warrant for such trial; except only for the offence of desertion.

No Volunteer liable to Process unless for some criminal Matter, or for a Debt of 20*l.*

LXXI. And to prevent, as far as may be, any unjust or fraudulent arrests that may be made upon marines, whereby his Majesty and the public may be deprived of their service, it is hereby further enacted, That no person whatsoever who is entered or shall enter himself as a volunteer in his Majesty's service as a marine, during the continuance of this Act, shall be liable to be taken out of his Majesty's service by any process or execution whatsoever, other than for some criminal matter, unless for a real debt, or other just cause of action, and unless before the taking out of such process or execution (not being for a criminal matter), the plaintiff or plaintiffs therein, or some other person or persons on his or their behalf, shall make affidavit before one or more judge or judges of the Court of Record or other court out of which such process or execution shall issue, or before some person authorized to take affidavits in such courts, that to his or their knowledge the original sum justly due and owing to the plaintiff or plaintiffs from the defendant or defendants, in the action or cause of action on which such process shall issue, or the original debt for which such execution shall be issued out, amounts to the value of twenty pounds at least, over and above all costs of suit in the same action, or in any other action on which the same shall be grounded; a memorandum of which oath shall be marked on the back of such process or writ, for which memorandum or oath no fee shall be taken; and if any person shall nevertheless be arrested contrary to the intent of this Act, it shall and may be lawful for one or more judge or judges of such courts, upon complaint thereof made by the party himself, or by any his superior officer, to examine into the same by the oath of the parties or otherwise, and by warrant under his or their hands and seals to discharge such marine so arrested contrary

to the intent of this Act, without paying any fee or fees, upon due proof made before him or them that such marine so arrested was legally listed as a marine in his Majesty's service, and arrested contrary to the intent of this Act; and also to award to the party so complaining such costs as such judge or judges shall think reasonable; for the recovery whereof he shall have the like remedy that the person who takes out the said execution might have had for his costs, or the plaintiff in the like action might have had for the recovery of his costs, in case judgment had been given for him with costs against the defendants in the said action.

Plaintiff giving Notice may file a common Appearance, and proceed to Judgment and Execution.

LXXII. And to the end that honest creditors, who aim only at the recovery of their just debts due to them from persons entered as marines in his Majesty's service, may not be hindered from suing for the same, but on the contrary may be assisted and forwarded in their suits; and instead of an arrest, which may at once hurt the service, and occasion a great expence and delay to themselves, may be enabled to proceed in a more speedy and cheap method; be it further enacted, That it shall and may be lawful to and for any plaintiff or plaintiffs, upon notice first given in writing of the cause of action to such person or persons so entered, or left at his or their place of residence before such entry, to file a common appearance in any action to be brought for or upon account of any debt whatsoever, so as to entitle such plaintiff to proceed therein to judgment and outlawry, and to have an execution thereupon, other than and against the body or bodies of him or them so entered as aforesaid; this Act, or any thing herein, or any former law or statute, to the contrary notwithstanding.

Marine while confined for Debt, not to receive Pay.

LXXIII. And be it further enacted, That no marine, being arrested or confined for debt in any prison, gaol, or other place, shall be entitled to any part of his pay from the day of such arrest or confinement until the day of his return to the regiment or company to which he shall belong.

Notice to be given to the Secretary of the Admiralty of the Expiration of the Imprisonment.

LXXIV. And be it further enacted, That every gaoler to whom any notice shall have been given that any person in his custody for any offence is a marine, and liable to serve his Majesty on the expiration of his imprisonment, shall give one month's notice, or if there shall not be sufficient time to give one month's notice, then a reasonable notice, to the secretary of the admiralty before the day on which the imprisonment of such person will expire, according to his commitment or sentence, of the period of expiration of such imprisonment.

For Relief of Persons hastily enlisting themselves.

LXXV. Provided always, and it is hereby enacted, That when and as often as any person or persons shall be enlisted as a marine or marines in his Majesty's service, he and they shall, within four days, but not sooner than twenty-four hours, after such enlisting respectively, be carried or go with some officer, non-commissioned officer, or private marine belonging to the recruiting party by which he shall be enlisted, or with the person employed on the recruiting service with whom he shall have enlisted, before some justice of the peace for any county, riding, city, or place, or chief magistrate of any city or town corporate, residing in or being next to or in the vicinity of the place where such person or persons shall have been enlisted, and not being an officer of royal marines, and before such justice or chief magistrate he or they shall be at liberty to declare his or their dissent to such enlisting; and upon such declaration, and returning the enlisting money, and also each person so dissenting paying the sum of twenty shillings for the charges expended or laid out upon him, together with such full rate allowed by law for the subsistence or diet and small beer furnished to such recruit subsequent to the period of his having been enlisted, such person or persons so enlisted shall be forthwith discharged and set at liberty in the presence of such justice or chief magistrate; but if such person or persons shall refuse or neglect, within the space of twenty-four hours after so declaring his or their dissent, to return and pay such money as aforesaid, he or they shall be deemed and taken to be enlisted, as if he or they had given his or their assent thereto before the said justice or chief magistrate; and if such person or persons shall declare his or their having voluntarily enlisted himself or themselves, then

10 Geo. IV. c. 5.

such justice or chief magistrate shall and he is hereby required forthwith to certify under his hand that such person or persons is or are duly enlisted, setting forth the place of the birth, age, and calling of him or them respectively (if known), and that the second and third sections of the articles of war, for the better government of his Majesty's royal marine forces while on shore, were read to him or them, and that he or they had taken the oath of fidelity mentioned in the twelfth section of the said articles of war, and also the oath mentioned in the schedule to this Act annexed marked (A.), which oaths respectively such justice or chief magistrate is hereby authorized and required to administer; and if any such person or persons so to be certified as duly entered shall refuse to take the said oath of fidelity before the said justice or chief magistrate, it shall and may be lawful for such officer from whom he has received such money as aforesaid to detain or confine such person or persons until he or they shall take the oath before required; and every officer of royal marines that shall act contrary hereto, or offend herein, upon proof on oath made by two witnesses before a general court-martial to be thereupon called, shall for such offence be forthwith cashiered and displaced from such his office, and shall be thereby utterly disabled to have or hold any civil or military office or employment within this kingdom or in his Majesty's service: Provided always, that every non-commissioned officer or private marine who shall enlist any recruit shall, at the time of such enlisting, inquire the christian and surname and place of abode of such recruit, and either take the same down in writing, or give the same to the non-commissioned officer commanding the recruiting party, to be so taken down: Provided also, that it shall be lawful for any justice of the peace to discharge any person who shall have hastily enlisted, and who shall apply to him to declare his dissent within such four days as aforesaid, upon payment of the sum of money required to be paid by any recruit declaring his dissent under this Act, notwithstanding no officer, non-commissioned officer, or private marine belonging to the recruiting party, shall be with the recruit, if it shall appear to such magistrate, upon the examination of such recruit, or of any other person, that the recruiting party have left the place where such recruit was enlisted, or that such recruit could not procure any non-commissioned officer belonging to such party to go with such recruit before the justice of the peace; and the sum paid by such recruit upon his discharge shall be kept by the justice of the peace, and paid when demanded to any person belonging to the recruiting party entitled thereto demanding the same: Provided always, that in every case wherein any person shall have received enlisting money, and shall have absconded or have absented himself from the party aforesaid, so that it shall not be possible immediately to apprehend him, and bring him before a magistrate, the officer or non-commissioned officer commanding the party shall produce to the magistrate before whom the recruit would regularly have been brought for attestation, a certificate of the name and place of residence of such person, and the magistrate to whom the certificate shall be produced shall, after satisfying himself that the person who absconded cannot be found and apprehended, transmit a duplicate thereof to the lords of the admiralty or their secretary, in order that in the event of such person being afterwards apprehended and reported as a deserter, the fact of his having received enlisting money, and having absconded, may be ascertained before he be finally adjudged to be a deserter as having duly enlisted.

Service to be to his Majesty's Heirs and Successors.

LXXVI. And whereas it is highly expedient that no doubt should remain as to the service of royal marines by reason of any omission of his Majesty's heirs and successors in any oath of attestation; and be it therefore declared and enacted, That any oath and attestation of service heretofore or hereafter taken and made to his Majesty is and shall be deemed and construed to be an oath of service to his Majesty's heirs and successors as the sovereign of the realm for the time being, as fully and effectually, and to all intents and purposes whatsoever, as if the words heirs and successors had been inserted in any such oath or attestation.

10 Geo. IV. c. 5.

LXXVII. And be it further enacted, That if any person or persons shall receive the enlisting money from any officer, non-commissioned or private marine, or other person employed on the recruiting service (knowing it to be such), and shall abscond or refuse to go before such justice or chief magistrate, or if any person having received any such enlisting money as aforesaid shall thereafter absent himself from the recruiting party with which he enlisted, or person with whom he enlisted, and shall not voluntarily return to such recruiting party or person enlisting him, to go before some justice of the peace or magistrate under the provisions of this Act, within such period of four days as aforesaid, such person shall be deemed to be enlisted, and a marine in his Majesty's service, as fully to all intents and purposes as if he had been duly attested, and may be apprehended and punished as a deserter, or for being absent without leave, under any articles of war made for punishment of mutiny and desertion; nor shall any such person who shall not have remained with, or who shall not have returned to such recruiting party or person enlisting him as aforesaid, be entitled to be discharged, or be discharged by any justice of the peace or magistrate after the expiration of such four days as aforesaid, unless it shall be proved to the satisfaction of such justice of the peace that the true name and residence of the person enlisted was disclosed and known to the recruiting party, and that no notice was given to the person enlisted, or left at his last usual place of abode, of his having so enlisted.

Persons receiving Enlisting Money absconding or refusing to go before a Magistrate, shall be deemed enlisted.

LXXVIII. And be it further enacted, That if any person who shall enlist into his Majesty's royal marine forces, and who shall be discovered to be incapable of active service, by reason of any infirmity which shall have been concealed by such person, or not declared before the justice of the peace at the time of his attestation, and mentioned at the foot thereof, may be transferred into any garrison or veteran or invalid battalion, or into his Majesty's regular forces, and shall be entitled to receive such proportion or residue of bounty only as shall be allowed by his Majesty, by any regulation made in that behalf, in lieu and instead of the bounty upon which such man shall have been enlisted; any thing in any Act or Acts, or any rules and regulations relating to soldiers or marines, to the contrary notwithstanding.

Concealing Infirmity.

LXXIX. And be it further enacted, That any person who shall knowingly, wilfully, and designedly make any false representation of any particular contained in the form of oath marked (A.) in the schedule annexed to this Act, before the justice of the peace at the time of his attestation, for the purpose of obtaining, and shall thereupon obtain any enlisting money, or any bounty or part of the bounty, for enlisting into his Majesty's royal marines, or any other money, shall be deemed guilty of obtaining money under false pretences, within the true intent and meaning, if in *England*, of an Act passed in the seventh and eighth years of the reign of his present Majesty, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny, and other Offences connected therewith;* and, if in *Ireland*, of an Act passed in the twenty-sixth year of the reign of his late Majesty King *George* the Third, intituled *An Act for the more effectual Punishment of Persons who attain or attempt to attain Possession of Money or Goods by false Pretences or Threats;* and the production of such oath, and proof of the justices handwriting thereto, shall, in any prosecutions to be instituted against the enlisting person or recruit therein named, be sufficient evidence of such person having represented the several particulars contained in such oath at the time of his being attested; and proof by the oath of one or more credible witness or witnesses, that the person so prosecuted hath freely and voluntarily declared or acknowledged that at the time of his enlistment he belonged to the militia, or to any corps or regiment in his Majesty's service, or to his Majesty's royal navy or royal marines, or that he was an apprentice, shall be deemed and taken as sufficient evidence of the fact so by him declared or acknowledged, without production of any roll or other document to prove the same; and in case such person shall be an apprentice, or shall

Persons making false Representations and obtaining Bounty, shall be deemed guilty of obtaining Money under false Pretences. 7 & 8 G. 4. c. 29.

26 G. 3. (I.)

Apprentices and Militia Men so obtaining Money shall be deemed to be enlisted as Marines

10 Geo. IV. c. 5.

belong to the militia, he shall, immediately after the expiration of his apprenticeship, or other sooner determination of it, or at the expiration of the period of his service in the militia, whether he shall have been convicted and punished or not, be deemed duly enlisted, and be liable from thenceforth to serve as a marine; and if, on the expiration or other sooner determination of his apprenticeship, or at the expiration of the period of his service in the militia, he shall not deliver himself up to some officer at the head-quarters of one of the divisions of his Majesty's royal marine forces, or to some royal marine officer authorized to receive recruits, he shall be liable to be apprehended and dealt with as a deserter from his Majesty's said royal marine forces; and in case such person so enlisting into the royal marines shall be claimed and taken therefrom as already belonging to any other regiment or corps in his Majesty's service, or to the militia, at the time of such enlistment, he shall forfeit all pay which may be due to him or credits to which he would otherwise be entitled in the royal marine service at the time of his being so claimed and taken therefrom: Provided always, that every such person belonging to the militia shall be liable to serve, within the United Kingdom of *Great Britain* and *Ireland*, in the division of the royal marine forces in which he shall have enlisted, during all the time the militia to which he shall belong shall remain disembodied, or shall not be called out for training or exercise, and shall during all such time be subject to all the provisions of this Act, and be liable to be apprehended and dealt with and punished as a deserter from the division into which he shall have so enlisted, if he shall neglect or refuse to join and serve in such division.

Such Militia Men to serve in the Marines in the United Kingdom during the Time the Militia is disembodied.

Penalty for Concealment of Infirmity.

LXXX. Provided always, and be it further enacted, That it shall be lawful for any two justices of the peace or magistrates before whom any person shall be brought who has enlisted, and who shall be proved upon oath before them, and convicted of having wilfully concealed any infirmity upon being attested, to adjudge such person to be a rogue and vagabond, and such person shall thereupon be subject to such punishment as by and under any statutes or laws now in force may be inflicted upon rogues, vagabonds, and vagrants and incorrigible rogues, to be adjudged by the justices of the peace or magistrates so convicting any such person as aforesaid.

Master claiming Apprentices to take the Oath mentioned in Schedule (B.), &c.

LXXXI. And be it further enacted, That no master shall be entitled to claim any apprentice who shall, after the passing of this Act, enlist as a royal marine in his Majesty's service, unless such apprentice shall have been bound to him in *England* for the full term of seven years, not having been above the age of fourteen when so bound, and if in *Ireland*, or in the islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, for the full term of five years at the least, not having been above the age of sixteen when so bound, and unless such master shall, within one calendar month after such apprentice shall have absconded or left his service, go before some justice of the peace or magistrate, and before such justice of the peace or magistrate take the oath mentioned in the schedule to this Act annexed, marked (B.), and produce the certificate of such justice of the peace or magistrate, of his having taken such oath, which certificate such justice of the peace or magistrate is hereby required to give in the form in the schedule to this Act annexed, marked (C.)

Apprentices in Scotland, &c.

LXXXII. And be it further enacted, That no master in *Scotland* shall be entitled to claim any apprentice who shall after the passing of this Act enlist as a marine, unless such apprentice shall have been bound to him for the full term of at least four years by a regular contract or indenture of apprenticeship duly executed, signed, and attested, and binding on both parties by the law of *Scotland*, prior to the period of enlistment, and unless such contract or indenture so duly executed shall, within three months after the commencement of the apprenticeship, and before the period of enlistment, have been produced to a justice of the peace of the county wherein the parties reside, and there shall have been indorsed thereon by such justice a certificate or declaration signed by him, specifying the date when the person by whom such contract or indenture shall have been so produced, which certificate or declaration such justice of the

peace is hereby required to indorse and sign, and unless such apprentice shall, when claimed by such master, be under twenty-one years of age, and unless such master shall, within one calendar month after such apprentice shall have absconded or left his service, go before some justice of the peace, and before such justice of the peace take the oath mentioned in the schedule to this Act annexed, marked (B.), and produce the certificate of such justice of the peace of his having taken such oath, which certificate such justice of the peace is hereby required to give in the form in the schedule to this Act annexed, marked (C.): Provided always, that any master of an apprentice indentured for the sea service shall be entitled to claim and recover any such apprentice in the form and manner above directed, notwithstanding such apprentice may have been bound for a less term than seven years in *England*, five years in *Ireland*, or in the islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, or four years in *Scotland*.

Persons hired by the Year enlisting, to be entitled to a Proportion of their Wages.

LXXXIII. Provided always, and be it further enacted, That if any person who shall have been hired to serve any master for a year or otherwise shall before the expiration of his time of service under such hiring enlist into his Majesty's royal marine forces, such person shall be entitled to such proportion of wages as the magistrate shall think proper from his master for the time he has actually served under such hiring, notwithstanding he shall have failed, in consequence of such enlisting, in completing the full term of service agreed for under such hiring; and the magistrate shall give an order, and take such other steps as shall be necessary to enforce the payment of such proportion, within five days after the amount shall have been declared by such magistrate.

Officers not liable to have Parish Children apprenticed to them.

LXXXIV. And be it further enacted, That no officer of his Majesty's royal marine forces, residing in barracks or elsewhere under military law, shall be deemed liable to have any parish poor child bound apprentice to him, but that every such officer shall be wholly exempt from taking or receiving or from having bound to him any such apprentice; any law, statute, or usage to the contrary thereof in anywise notwithstanding.

Marines borne as Part of the Complement of any Ship liable to be governed by the Rules established by 22 G. 2.

LXXXV. Provided always, and it is hereby declared and enacted, That all his Majesty's royal marine forces, as well officers as private men, shall from time to time, during their being respectively borne as part of the complement of any of his Majesty's ships or vessels, or as supernumeraries on board the same, be subject or liable, in like manner in all respects as any officers or seamen employed in his Majesty's sea service are subject and liable, to be governed and proceeded against and punished for offences committed by them during the time they shall be borne as part of the complement of such ships or vessels, or as supernumeraries on board the same, according to the purport, tenor, effect, and true intent and meaning of an Act passed in the twenty-second year of the reign of his late Majesty King *George* the Second, intituled *An Act for amending, explaining, and reducing into One Act the Laws relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea;* this Act or any thing herein contained to the contrary notwithstanding.

If Persons employed in the Commissariat Department shall embezzle Stores, they may be tried by a Court-martial, &c.

LXXXVI. And be it further enacted, That every commissioned officer, storekeeper, or commissary, or deputy or assistant commissary, or other person employed in the commissariat department, or in any manner in the care or distribution of any money, provisions, forage, or stores belonging to his Majesty's royal marine forces, or for their use, that shall embezzle or fraudulently misapply, or cause to be embezzled or fraudulently misapplied, or shall knowingly or wilfully permit or suffer any money, provisions, forage, arms, clothes, ammunition, or other military or royal marine stores, to be embezzled or fraudulently misapplied, or to be spoiled or damaged, may be tried for the same by and before a general court-martial; and it shall be lawful for such court-martial to adjudge any such person to be transported as a felon for life or for any certain term of years, or to suffer such punishment of fine, imprisonment, dismissal from his Majesty's service, and be incapable of serving his Majesty in any office, civil or military, as any such court shall think fit, according to the nature and degree of the offence, or that such person shall forfeit two hundred

10 Geo. IV. c. 5.

pounds; and such person shall, in addition to any other punishment, make good, at his own expence, the loss and damage thereby sustained, to be ascertained by such court-martial, which shall have power to seize the goods and chattels of the person so offending, and sell them for the payment of the said two hundred pounds and such damage; and if sufficient goods and chattels cannot be found and seized, then the person so offending shall be committed to the prison or common gaol, there to remain (in addition to any other punishment or imprisonment) for six months, without bail or mainprize, and until he shall pay such deficiency; and after the said sum shall be recovered and levied, the same shall be applied and disposed of as his Majesty shall direct and appoint.

Continuance of this Act.

LXXXVII. And be it further enacted, That this Act and every thing herein contained shall be and continue in force within *Great Britain* from the twenty-fourth day of *March* one thousand eight hundred and twenty-nine, until the twenty-fifth day of *March* one thousand eight hundred and thirty inclusive; and shall be and continue in force within *Ireland* from the first day of *April* one thousand eight hundred and twenty-nine, until the first day of *April* one thousand eight hundred and thirty inclusive; and shall be and continue in force within the garrison of *Gibraltar*, and in *Spain* and *Portugal*, from the twenty-fifth day of *May* one thousand eight hundred and twenty-nine, until the twenty-fifth day of *May* one thousand eight hundred and thirty inclusive: and shall be and continue in force in all other parts of *Europe* where royal marine forces may be serving, and in the *West Indies* and *North America* and *Cape of Good Hope*, from the twenty-fifth day of *July* one thousand eight hundred and twenty-nine, to the twenty-fifth day of *July* one thousand eight hundred and thirty inclusive; and shall be and continue in force in all other places from the twenty-fifth day of *September* one thousand eight and twenty-nine, to the twenty-fifth day of *September* one thousand eight hundred and thirty inclusive.

Act may be altered this Session.

LXXXVIII. And be it further enacted, That this Act may be altered, varied, or repealed by any Act or Acts to be passed in this present session of Parliament.

SCHEDULES TO WHICH THIS ACT REFERS.

SCHEDULE (A.)

FORM OF OATH.

I do make oath, that I am by trade a and to the best of my knowledge and belief was born in the parish of in the county of ; and that I have no rupture, nor ever was troubled with fits, and am no ways disabled by lameness or otherwise, but have the perfect use of my limbs; and that I am not an apprentice, and that I do not belong to the militia, or to any regiment in his Majesty's service, or to his Majesty's navy or royal marines. As witness my hand at the day of one thousand eight hundred and .

Sworn before me at this day of one thousand eight hundred and .

Witness present.

SCHEDULE (B.)

FORM OF MASTER'S OATH.

I of do make oath, That I am by trade a and that was bound to serve an apprentice to me in the said trade, by indenture dated the day of for the term of seven years; and that the said did on or

about the day of abscond and quit my service without my consent; and that to the best of my knowledge and belief the said is aged about years. Witness my hand, at the day of one thousand eight hundred and .

Sworn before me at this day of one thousand eight hundred and .

SCHEDULE (C.)

FORM OF JUSTICE'S CERTIFICATE.

To wit. } I *A. B.* one of his Majesty's justices of the peace of certify, That of came before me at on the day of one thousand eight hundred and and made oath that he was by trade a and that was bound to serve as an apprentice to him in the said trade, by indenture dated the day of for the term of seven years; and that the said apprentice did, on or about the day of abscond and quit the service of the said without his consent; and that to the best of his knowledge and belief the said apprentice is aged about years.

A. B.

SCHEDULE (D.)

To the [churchwardens or overseers] of the [parish, township, or place.]

YOU are hereby required to pay *A. B.* [*describe whether non-commissioned officer, &c.*] within named, on furlough from the day of to the day of signed by [*commanding officer signing the furlough*] the sum of out of any money now in your hands, or out of the first money which shall come to your hands in respect of the rates for the relief of the poor, being at the rate of *per* day from the day of to the day of both inclusive; and for so doing this shall be you warrant, and pass as such for your repayment under the marine mutiny Act.

Witness my hand the day of

Justice of the peace for

PART VIII.

THE UNION ACTS.

Class 1. Union between England and Scotland.
— 2. Union between Great Britain and Ireland.

CLASS I.

Union between England and Scotland.

5 Anne, c. 8.—An Act for an Union of the Two Kingdoms of *England* and *Scotland*.

MOST GRACIOUS SOVEREIGN,

WHEREAS articles of Union were agreed on, the twenty-second day of *July*, in the fifth year of your Majesty's reign, by the commissioners nominated on behalf of the kingdom of *England*, under your Majesty's great seal of *England*, bearing date at *Westminster* the tenth day of *April* then last past, in pursuance of an Act of Parliament made in *England*, in the third year of your Majesty's reign, and the commissioners nominated on the behalf of the kingdom of *Scotland*, under your Majesty's great seal of *Scotland*, bearing date the twenty-seventh day of *February*, in the fourth year of your Majesty's reign, in pursuance of the fourth Act of the third session of the present Parliament of *Scotland*, to treat of and concerning an Union of the said kingdoms: And whereas an Act hath passed in the Parliament of *Scotland* at *Edinburgh*, the sixteenth day of *January*, in the fifth year of your Majesty's reign, wherein 'tis mentioned, That the estates of Parliament considering the said articles of Union of the two kingdoms, had agreed to and approved of the said articles of Union, with some additions and explanations, and that your Majesty, with advice and consent of the estates of Parliament, for establishing the Protestant religion and Presbyterian church government within the kingdom of *Scotland*, had passed in the same session of Parliament an Act, intituled *An Act for securing of the Protestant Religion and Presbyterian Church Government*, which by the tenor thereof was appointed to be inserted in any Act ratifying the treaty, and expressly declared to be a fundamental and essential condition of the said treaty or union in all times coming: the tenor of

which articles, as ratified and approved of, with additions and explanations by the said Act of Parliament of *Scotland*, follows: 5 Anne, c. 8.

ARTICLE I.

THAT the two kingdoms of *England* and *Scotland* shall upon the first day of *May*, which shall be in the year one thousand seven hundred and seven, and for ever after, be united into one kingdom by the name of *Great Britain;* and that the ensigns' armorial of the said united kingdom be such as her Majesty shall appoint, and the crosses of St. *George* and St. *Andrew* be conjoined in such manner as her Majesty shall think fit, and used in all flags, banners, standards, and ensigns, both at sea and land. Union of the two kingdoms. Ensigns' armorial.

ARTICLE II.

That the succession of the monarchy to the united kingdom of *Great Britain*, and of the dominions thereto belonging, after her most sacred Majesty, and in default of issue of her Majesty, be, remain, and continue to the most excellent Princess *Sophia*, electoress and dutchess dowager of *Hanover*, and the heirs of her body being Protestants, upon whom the Crown of *England* is settled by an Act of Parliament made in *England* in the twelfth year of the reign of his late Majesty King *William* the Third, intituled, *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject*: And that all Papists, and persons marrying Papists, shall be excluded from, and for ever incapable to inherit, possess, or enjoy the Imperial Crown of *Great Britain*, and the dominions thereunto belonging, or any part thereof; and in every such case, the Crown and government shall from time to time descend to, and be enjoyed by such person, being a Protestant, as should have inherited and enjoyed the same, in case such Papist, or person marrying a Papist, was naturally dead, according to the provision for the descent of the Crown of *England*, made by another Act of Parliament in *England* in the first year of the reign of their late Majesties King *William* and Queen *Mary*, intituled, *An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown.* Succession to the monarchy. 12 & 13 W. 3. c. 2. Papists excluded. 1 W. & M. S. 2. c. 2.

ARTICLE III.

That the united kingdom of *Great Britain* be represented by one and the same Parliament, to be stiled, *The Parliament* of Great Britain. One Parliament.

ARTICLE IV.

That all the subjects of the united kingdom of *Great Britain* shall, from and after the Union, have full freedom and intercourse of trade and navigation to and from any port or place within the said united kingdom, and the dominions and plantations thereunto belonging; and that there be a communication of all other rights, privileges, and advantages, which do or may belong to the subjects of either kingdom; except where it is otherwise expressly agreed in these articles. Freedom of trade.

ARTICLE V.

That all ships or vessels belonging to her Majesty's subjects of *Scotland*, at the time of ratifying the treaty of Union of the two kingdoms in the Parliament of *Scotland*, though foreign built, be deemed, and pass as ships of the built of *Great Britain;* the owner, or where there are more owners, one or more of the owners, within twelve months after the first of *May* next, making oath, That at the time of ratifying the treaty of Union in the Parliament of *Scotland*, the same did, in whole or in part, belong to him or them, or to some other subject or subjects in *Scotland*, to be Scotch ships to be British ships.

5 Anne, c. 8.

particularly named, with the place of their respective abodes; and that the same doth then, at the time of the said deposition, wholly belong to him or them; and that no foreigner, directly or indirectly, hath any share, part, or interest therein; which oath shall be made before the chief officer or officers of the customs, in the port next to the abode of the said owner or owners; and the said officer or officers shall be impowered to administer the said oath; and the oath being so administered shall be attested by the officer or officers, who administered the same; and being registered by the said officer or officers, shall be delivered to the master of the ship for security of her navigation; and a duplicate thereof shall be transmitted by the said officer or officers, to the chief officer or officers of the customs in the port of *Edinburgh*, to be there entered in a register, and from thence to be sent to the port of *London*, to be there entered in the general register of all trading ships belonging to *Great Britain*.

ARTICLE VI.

Trade.

See 5 Geo. 1. c. 20. & 9 Geo. 1. c. 21.

That all parts of the united kingdom for ever, from and after the Union, shall have the same allowances, encouragements, and drawbacks, and be under the same prohibitions, restrictions, and regulations of trade, and liable to the same customs and duties on import and export; and that the allowances, encouragements, and drawbacks, prohibitions, restrictions, and regulations of trade, and the customs and duties on import and export, settled in *England* when the Union commences, shall, from and after the Union, take place throughout the whole united kingdom: excepting and reserving the duties upon export and import of such particular commodities, from which any persons, the subjects of either kingdom, are specially liberated and exempted by their private rights, which, after the Union, are to remain safe and entire to them in all respects, as before the same.

Scots cattle.

And that from and after the Union, no *Scots* cattle carried into *England*, shall be liable to any other duties, either on the public or private accounts, than those duties to which the cattle of *England* are or shall be liable within the said kingdom. And seeing by the laws of *England*, there are rewards granted upon the exportation of certain kinds of grain, wherein oats grinded or ungrinded are not expressed; that from and after the Union, when oats shall be sold at fifteen shillings sterling *per* quarter, or under, there shall be paid two shillings and sixpence sterling for every quarter of the oatmeal exported in the terms of the law, whereby and so long as rewards are granted for exportation of other grains, and

Importation of victuals.

that the bear of *Scotland* have the same rewards as barley: And in respect the importation of victual into *Scotland*, from any place beyond sea, would prove a discouragement to tillage, therefore that the prohibition as now

14 Geo. 2. c. 7.

in force by the law of *Scotland*, against importation of victuals from *Ireland*, or any other place beyond sea into *Scotland*, do, after the Union, remain in the same force as now it is, until more proper and effectual ways be provided by the Parliament of *Great Britain*, for discouraging the importation of the said victuals from beyond sea.

ARTICLE VII.

Excises.

That all parts of the united kingdom be for ever, from and after the Union, liable to the same excises upon all exciseable liquors, excepting only that the thirty-four gallons *English* barrel of beer or ale, amounting to twelve gallons *Scots* present measure, sold in *Scotland* by the brewer at nine shillings six-pence sterling, excluding all duties, and retailed, including duties and the retailers profit at two-pence the *Scots* pint, or eighth part of the *Scots* gallon, be not after the Union liable, on account of the present excise upon exciseable liquors in *England*, to any higher imposition than two shillings sterling upon the aforesaid thirty-four gallons, *English* barrel, being twelve gallons the present *Scots* measure: And that the excise settled in *England* on all other liquors, when the Union commences, take place throughout the whole united kingdom.

See 5 Geo. 1. c. 20. Explained by 12 Geo. 1. c. 4. 58.

5 Anne c. 8.

ARTICLE VIII.

That from and after the Union, all foreign salt which shall be imported into *Scotland*, shall be charged at the importation there, with the same duties as the like salt is now charged with being imported into *England*, and to be levied and secured in the same manner: But in regard the duties of great quantities of foreign salt imported may be very heavy upon the merchants importers, that therefore all foreign salt imported into *Scotland*, shall be cellar'd and locked up under the custody of the merchants importers, and the officers employed for levying the duties upon salt, and that the merchant may have what quantity thereof his occasion may require, not under a wey or forty bushels at a time, giving security for the duty of what quantity he receives, payable in six months. But *Scotland* shall, for the space of seven years from the said Union, be exempted from paying in *Scotland*, for salt made there, the duty or excise now payable for salt made in *England;* but from the expiration of the said seven years, shall be subject and liable to the same duties for salt made in *Scotland* as shall be then payable for salt made in *England*, to be levied and secured in the same manner, and with proportionable drawbacks and allowances as in *England*, with this exception, That *Scotland* shall, after the said seven years, remain exempted from the duty of two shillings four-pence a bushel on home salt, imposed by an Act made in *England* in the ninth and tenth of King *William* the Third of *England;* and if the Parliament of *Great Britain* shall, at or before the expiring of the said seven years, substitute any other fund in place of the said two shillings four-pence of excise on the bushel of home salt, *Scotland* shall, after the said seven years, bear a proportion of the said fund, and have an equivalent in the terms of this treaty; and that during the said seven years, there shall be paid in *England*, for all salt made in *Scotland*, and imported from thence into *England*, the same duties upon the importation, as shall be payable for salt made in *England*, to be levied and secured in the same manner as the duties on foreign salt are to be levied and secured in *England;* and that after the said seven years, as long as the said duty of two shillings four-pence a bushel upon salt is continued in *England*, the said two shillings and four-pence a bushel shall be payable for all salt made in *Scotland*, and imported into *England*, to be levied and secured in the same manner; and that during the continuance of the duty of two shillings four-pence a bushel upon salt made in *England*, no salt whatsoever be brought from *Scotland*, to *England* by land in any manner, under the penalty of forfeiting the salt, and the cattle and carriages made use of in bringing the same, and paying twenty shillings for every bushel of such salt, and proportionably for a greater or lesser quantity, for which the carrier as well as the owner shall be liable, jointly and severally, and the persons bringing or carrying the same to be imprisoned by any one justice of the peace, by the space of six months without bail, and until the penalty be paid. And for establishing an equality in trade, that all flesh exported from *Scotland* to *England*, and put on board in *Scotland* to be exported to parts beyond the seas, and provisions for ships in *Scotland*, and for foreign voyages, may be salted with *Scots* salt, paying the same duty for what salt is so employed as the like quantity of such salt pays in *England*, and under the same penalties, forfeitures, and provisions for preventing of frauds as are mentioned in the laws of *England;* and that from and after the Union, the laws and Acts of Parliament in *Scotland*, for pining, curing, and packing of herrings, white fish and salmon for exportation with foreign salt only, without any mixture of *British* or *Irish* salt, and for preventing of frauds in curing and packing of fish, be continued in force in *Scotland*, subject to such alterations as shall be made by the Parliament of *Great Britain;* and that all fish exported from *Scotland* to parts beyond the seas, which shall be cured with foreign salt only, and without mixture of *British* or *Irish* salt, shall have the same eases, premiums, and drawbacks, as are or shall be allowed to such persons as export the like fish from *England;* and that for encouragement of the herring fishing, there shall be allowed and paid to the subjects, inhabitants of *Great Britain*, during the present

Foreign salt.

Scotch salt.

Home salt. 9 & 10 W. 3. c. 44.

Repealed by 3 Geo. 2. c. 20. s. 3. as to salt imported.

Flesh exported from Scotland.

Curing of herrings.

Fish exported.

5 Anne, c. 8.

allowances for other fish, ten shillings five-pence sterling for every barrel of white herrings which shall be exported from *Scotland;* and that there shall be allowed five shillings sterling for every barrel of beef or pork salted with foreign salt, without mixture of *British* or *Irish* salt, and exported for sale from *Scotland* to parts beyond sea, alterable by the Parliament of *Great Britain;* and if any matters of fraud relating to the said duties on salt shall hereafter appear, which are not sufficiently provided against by this article, the same shall be subject to such further provisions as shall be thought fit by the Parliament of *Great Britain.*

These duties revived for 3 years, by 5 Geo. 2. c. 6.

ARTICLE IX.

Land tax.

That whensoever the sum of one million nine hundred ninety-seven thousand seven hundred and sixty-three pounds, eight shillings, and four-pence halfpenny, shall be enacted by the Parliament of *Great Britain* to be raised in that part of the united kingdom now called *England,* on land and other things usually charged in Acts of Parliament there, for granting an aid to the crown by a land tax; that part of the united kingdom now called *Scotland,* shall be charged by the same Act, with a further sum of forty-eight thousand pounds, free of all charges, as the *Quota* of *Scotland,* to such tax, and so proportionably for any greater or lesser sum raised in *England* by any tax on land, and other things usually charged together with the land; and that such *Quota* for *Scotland,* in the cases aforesaid, be raised and collected in the same manner as the cess now is in *Scotland;* but subject to such regulations in the manner of collecting, as shall be made by the Parliament of *Great Britain.*

Quota of Scotland.

ARTICLE X.

Stampt vellum.

That during the continuance of the respective duties on stampt paper, vellum, and parchment, by the several Acts now in force in *England, Scotland* shall not be charged with the same respective duties.

ARTICLE XI.

Window tax.

That during the continuance of the duties payable in *England* on windows and lights, which determine on the first day of *August,* one thousand seven hundred and ten, *Scotland* shall not be charged with the same duties.

ARTICLE XII.

Coals, culm, and cynders.

That during the continuance of the duties payable in *England* on coals, culm, and cynders, which determine the thirtieth day of *September,* one thousand seven hundred and ten, *Scotland* shall not be charged therewith for coals, culm, and cynders consumed there; but shall be charged with the same duties as in *England* for all coals, culm, and cynders not consumed in *Scotland.*

ARTICLE XIII.

Malt.

That during the continuance of the duty payable in *England* upon malt, which determines the twenty-fourth day of *June,* one thousand seven hundred and seven, *Scotland* shall not be charged with that duty.

ARTICLE XIV.

Scotland not chargeable with any other duties before the Union, except these consented to. See 5 Geo. 1. c. 20.

That the kingdom of *Scotland* be not charged with any other duties laid on by the Parliament of *England* before the Union, except these consented to in this treaty; in regard it is agreed, That all necessary provision shall be made by the Parliament of *Scotland* for the publick charge and service of that kingdom, for the year one thousand seven hundred and seven. Provided nevertheless, That if the Parliament of *England* shall think fit to lay any further impositions by way of customs, or such excises, with which by virtue of this treaty, *Scotland* is to be charged equally with *England,* in such case *Scotland* shall be liable to the same customs and excises, and have an equivalent to be settled by the Parliament of *Great Britain;* with this further provision, That any malt to be made and consumed in that part of the united kingdom now called *Scotland,* shall not be charged with any imposition on malt, during this present war. And

Proviso.

5 Anne, c. 8.

seeing it cannot be supposed that the Parliament of *Great Britain* will ever lay any sort of burthens upon the united kingdom, but what they shall find of necessity at that time for the preservation and good of the whole, and with due regard to the circumstances and abilities of every part of the united kingdom, therefore it is agreed, That there be no further exemption insisted upon for any part of the united kingdom, but that the consideration of any exemptions beyond what are already agreed on in this treaty, shall be left to the determination of the Parliament of *Great Britain*.

ARTICLE XV.

Equivalent.

That whereas by the terms of this treaty, the subjects of *Scotland*, for preserving an equality of trade throughout the united kingdom, will be liable to several customs and excises now payable in *England*, which will be applicable towards payment of the debts of *England*, contracted before the Union; it is agreed, That *Scotland* shall have an equivalent for what the subjects thereof shall be so charged towards payment of the said debts of *England*, in all particulars whatsoever, in manner following, *viz.* That before the union of the said kingdoms, the sum of three hundred ninety-eight thousand and eighty-five pounds, ten shillings, be granted to her Majesty by the Parliament of *England*, for the uses aftermentioned, being the equivalent to be answered to *Scotland* for such parts of the said customs and excises upon all exciseable liquors with which that kingdom is to be charged upon the Union, as will be applicable to the payment of the said debts of *England*, according to the proportions which the present customs in *Scotland*, being thirty thousand pounds *per annum*, do bear to the customs in *England*, computed at one million three hundred forty-one thousand five hundred and fifty-nine pounds *per annum*; and which the present excises on exciseable liquors in *Scotland*, being thirty-three thousand and five hundred pounds *per annum*, do bear to the excises on exciseable liquors in *England*, computed at nine hundred forty-seven thousand six hundred and two pounds *per annum*: Which sum of three hundred ninety-eight thousand eighty-five pounds, ten shillings, shall be due and payable from the time of the Union. And in regard that after the Union *Scotland* becoming liable to the same customs and duties payable on import and export, and to the same excises on all exciseable liquors as in *England*, as well upon that account, as upon the account of the encrease of trade and people, (which will be the happy consequence of the Union) the said revenues will much improve beyond the before mentioned annual values thereof, of which no present estimate can be made; yet, nevertheless, for the reasons aforesaid, there ought to be a proportionable equivalent answered to *Scotland*; it is agreed, That after the Union there shall be an account kept of the said duties arising in *Scotland*, to the end it may appear what ought to be answered to *Scotland* as an equivalent for such proportion of the said encrease as shall be applicable to the payment of the debts of *England*. And for the further and more effectual answering the several ends hereafter mentioned, it is agreed, That from and after the union, the whole encrease of the revenues of customs, and duties on import and export, and excises upon exciseable liquors in *Scotland*, over and above the annual produce of the said respective duties, as above stated, shall go and be applied, for the term of seven years, to the uses hereafter mentioned; and that, upon the said account there shall be answered to *Scotland* annually from the end of seven years after the Union, an equivalent in proportion to such part of the said encrease, as shall be applicable to the debts of *England*; and generally, that an equivalent shall be answered to *Scotland* for such parts of the *English* debts, as *Scotland* may hereafter become liable to pay by reason of the Union, other than such for which appropriations have been made by Parliament in *England*, of the customs, or other duties on export and import, excises on all exciseable liquors, in respect of which debts, equivalents are herein before provided. And as for the uses to which the said sum of three hundred ninety-eight thousand eighty-five pounds, ten shillings, to be granted, as aforesaid, and all other monies which are to be answered or allowed to *Scotland*, as aforesaid, are to be applied, it is agreed, That in the first place, out of the aforesaid sum, what consideration shall be found necessary to be had for

See 1 G. I. st. 2. 2. c. 27. & 5 Geo. 1. c. 20.

Uses to which equivalent money is applied.

5 Anne, c. 8.

any losses, which private persons may sustain by reducing the coin of *Scotland* to the standard and value of the coin of *England*, may be made good; in the next place, that the capital stock, or fund of the *African* and *Indian* Company of *Scotland* advanced, together with interest for the said capital stock, after the rate of five *per centum per annum*, from the respective times of the payment thereof, shall be paid: Upon payment of which capital stock and interest, it is agreed, the said company be dissolved and cease, and also, that from the time of passing the Act of Parliament in *England*, for raising the said sum of three hundred ninety-eight thousand eighty-five pounds, ten shillings, the said company shall neither trade, nor grant licence to trade; providing, that if the said stock and interest shall not be paid in twelve months after the commencement of the Union, that then the said company may from thenceforward trade, or give licence to trade, until the said whole capital stock and interest shall be paid. And as to the overplus of the said sum of three hundred ninety-eight thousand eighty-five pounds, ten shillings, after payment of what consideration shall be had for losses in repairing the coin, and paying the said capital stock and interest, and also the whole encrease of the said revenues of customs, duties, and excises, above the present value, which shall arise in *Scotland*, during the said term of seven years, together with the equivalent which shall become due upon the improvement thereof in *Scotland* after the said term; and also, as to all other sums, which, according to the agreements aforesaid, may become payable to *Scotland* by way of equivalent, for what that kingdom shall hereafter become liable towards payment of the debts of *England*; it is agreed, That the same be applied in the manner following, *viz.* That all the publick debts of the kingdom of *Scotland*, as shall be adjusted by this present Parliament, shall be paid: And that two thousand pounds *per annum* for the space of seven years, shall be applied towards encouraging and promoting the manufacture of coarse wooll within those shires which produce the wooll; and that the first two thousand pounds sterling be paid at *Martinmas* next, and so yearly at *Martinmas*, during the space aforesaid; and afterwards, the same shall be wholly applied towards the encouraging and promoting the fisheries, and such other manufactures and improvements in *Scotland*, as may most conduce to the general good of the united kingdom. And it is agreed, That her Majesty be impowered to appoint commissioners, who shall be accountable to the Parliament of *Great Britain*, for disposing the said sum of three hundred ninety-eight thousand and eighty-five pounds, ten shillings, and all other monies which shall arise to *Scotland*, upon the agreements aforesaid, to the purposes before mentioned: Which commissioners shall be impowered to call for, receive, and dispose of the said monies, in manner aforesaid, and to inspect the books of the several collectors of the said revenues, and of all other duties, from whence an equivalent may arise: And that the collectors and managers of the said revenues and duties be obliged to give to the said commissioners subscribed authentick abbreviates of the produce of such revenues and duties arising in their respective districts: And that the said commissioners shall have their office within the limits of *Scotland*, and shall in such office keep books containing accounts of the amount of the equivalents, and how the same shall have been disposed of from time to time, which may be inspected by any of the subjects, who shall desire the same.

Coin of *Scotland.*

African Company.

Overplus.

Publick debts.

Manufacture of coarse wooll.

Fisheries.

See 13 Geo. 1. c. 30. sect. 1. & 1 Geo. 2. stat. 2. c. 1. sect. 8.

Commissioners for the equivalent.

ARTICLE XVI.

Coin.

That from and after the Union, the coin shall be of the same standard and value throughout the united kingdom, as now in *England*, and a mint shall be continued in *Scotland*, under the same rules as the mint in *England*, and the present officers of the mint continued, subject to such regulations and alterations as her Majesty, her heirs or successors, or the Parliament of *Great Britain* shall think fit.

ARTICLE XVII.

Weights and measures.

That from and after the Union, the same weights and measures shall be used throughout the united kingdom, as are now established in *England*, and standards of weights and measures shall be kept by those burghs in

Scotland, to whom the keeping the standards of weights and measures, now in use there, does of special right belong: All which standards shall be sent down to such respective burghs, from the standards kept in the Exchequer at *Westminster*, subject nevertheless to such regulations as the Parliament of *Great Britain* shall think fit. 5 Anne, c. 8.

ARTICLE XVIII.

That the laws concerning regulation of trade, customs, and such excises to which *Scotland* is, by virtue of this treaty, to be liable, be the same in *Scotland*, from and after the Union, as in *England*; and that all other laws in use within the kingdom of *Scotland*, do after the Union, and notwithstanding thereof, remain in the same force as before (except such as are contrary to, or inconsistent with this treaty), but alterable by the Parliament of *Great Britain*; with this difference betwixt the laws concerning publick right, policy, and civil government, and those which concern private right, that the laws which concern publick right, policy, and civil government, may be made the same throughout the whole united kingdom; but that no alteration be made in laws which concern private right, except for evident utility of the subjects within *Scotland*. Regulation of trade.

ARTICLE XIX.

That the Court of Session, or College of Justice, do after the Union, and notwithstanding thereof, remain in all time coming within *Scotland*, as it is now constituted by the laws of that kingdom, and with the same authority and privileges as before the Union, subject nevertheless to such regulations for the better administration of justice, as shall be made by the Parliament of *Great Britain*; and that hereafter none shall be named by her Majesty, or her royal successors, to be ordinary lords of session, but such who have served in the College of Justice as advocates, or principal clerks of Session for the space of five years; or as writers to the signet for the space of ten years; with this provision, That no writer to the signet be capable to be admitted a Lord of the Session, unless he undergo a private and publick trial on the civil law, before the faculty of advocates, and be found by them qualified for the said office, two years before he be named to be a Lord of the Session; yet so as the qualifications made, or to be made, for capacitating persons to be named ordinary Lords of Session, may be altered by the Parliament of *Great Britain*. College of Justice. 7 Geo. 2. c. 16. sect. 4.

And that the Court of Justiciary do also after the Union, and notwithstanding thereof, remain in all time coming within *Scotland*, as it is now constituted by the laws of that kingdom, and with the same authority and privileges as before the union, subject nevertheless to such regulations as shall be made by the Parliament of *Great Britain*, and without prejudice of other rights of justiciary; and that all admiralty jurisdictions be under the lord high admiral or commissioners for the admiralty of *Great Britain* for the time being; and that the Court of Admiralty now established in *Scotland* be continued, and that all reviews, reductions, or suspensions of the sentences in maritime cases, competent to the jurisdiction of that Court, remain in the same manner after the Union, as now in *Scotland*, until the Parliament of *Great Britain* shall make such regulations and alterations, as shall be judged expedient for the whole united kingdom, so as there be always continued in *Scotland* a Court of Admiralty, such as in *England*, for determination of all maritime cases relating to private rights in *Scotland*, competent to the jurisdiction of the Admiralty Court, subject nevertheless to such regulations and alterations as shall be thought proper to be made by the Parliament of *Great Britain*; and that the heretable rights of admiralty and vice admiralties in *Scotland* be reserved to the respective proprietors as rights of property, subject nevertheless, as to the manner of exercising such heretable rights, to such regulations and alterations, as shall be thought proper to be made by the Parliament of *Great Britain*; and that all other courts now in being within the kingdom of *Scotland* do remain, but subject to alterations by the Parliament of *Great Britain*; and that all inferiour Courts within the said limits do remain subordinate, as they are now, to the supreme courts of justice within the same, in all time coming; and that no causes in *Scot-*

Court of Justiciary.

Admiralty jurisdictions.

Other courts.

5 Anne, c. 8.

land be cognoscible by the Courts of *Chancery, Queen's Bench, Common Pleas*, or any other Court in *Westminster Hall;* and that the said Courts, or any other of the like nature, after the Union, shall have no power to cognosce, review, or alter the acts or sentences of the judicatures within *Scotland*, or stop the execution of the same; and that there be a Court of *Exchequer* in *Scotland* after the Union, for deciding questions concerning the revenues of customs and excises there, having the same power and authority in such cases, as the Court of *Exchequer* has in *England;* and that the said Court of *Exchequer* in *Scotland* have power of passing signatures, gifts, tutories, and in other things, as the Court of *Exchequer* at present in *Scotland* hath; and that the Court of *Exchequer* that now is in *Scotland* do remain, until a Court of *Exchequer* be settled by the Parliament of *Great Britain* in *Scotland* after the Union; and that after the Union, the Queen's Majesty, and her royal successors, may continue a privy council in *Scotland*, for preserving of publick peace and order, until the Parliament of *Great Britain* shall think fit to alter it, or establish any other effectual method for that end.

Court of *Exchequer* established for ever, by 6 Anne, c. 26. sect. 1.

Privy Council.

ARTICLE XX.

Heretable offices.

That all heretable offices, superiorities, heretable jurisdictions, offices for life, and jurisdictions for life, be reserved to the owners thereof, as rights of property, in the same manner as they are now enjoyed by the laws of *Scotland*, notwithstanding this treaty.

ARTICLE XXI.

Royal burghs.

That the rights and privileges of the royal burghs in *Scotland*, as they now are, do remain entire after the Union, and notwithstanding thereof.

ARTICLE XXII.

Sixteen peers of *Scotland* to sit in the House of Lords.

That by virtue of this treaty, of the peers of *Scotland*, at the time of the Union, sixteen shall be the number to sit and vote in the House of Lords, and forty-five the number of the representatives of *Scotland* in the house of Commons of the Parliament of *Great Britain;* and that when her Majesty, her heirs or successors, shall declare her or their pleasure for holding the first or any subsequent Parliament of *Great Britain*, until the Parliament of *Great Britain* shall make further provision therein, a writ do issue under the great seal of the united kingdom, directed to the privy council of *Scotland*, commanding them to cause sixteen peers, who are to sit in the House of Lords, to be summoned to Parliament, and forty-five members to be elected to sit in the House of Commons of the Parliament of *Great Britain*, according to the agreement of this treaty, in such manner as by an Act of this present session of the Parliament of *Scotland* is or shall be settled; which Act is hereby declared to be as valid as if it were a part of and ingrossed in this treaty. And that the names of the persons so summoned and elected shall be returned by the privy council of *Scotland* into the court from whence the said writ did issue. And that if her Majesty, on or before the first day of *May* next, on which day the Union is to take place, shall declare under the great seal of *England*, That it is expedient that the Lords of Parliament of *England*, and Commons of the present Parliament of *England*, should be the members of the respective houses of the first Parliament of *Great Britain*, for and on the part of *England*, then the said Lords of Parliament of *England*, and Commons of the present Parliament of *England*, shall be the members of the respective houses of the first Parliament of *Great Britain*, for and on the part of *England:* And her Majesty may by her royal proclamation, under the great seal of *Great Britain*, appoint the first Parliament of *Great Britain* to meet at such time and place as her Majesty shall think fit; which time shall not be less than fifty days after the date of such proclamation; and the time and place of the meeting of such Parliament being so appointed, a writ shall be immediately issued under the great seal of *Great Britain*, directed to the privy council of *Scotland*, for the summoning the sixteen peers, and for electing forty-five members, by whom *Scotland* is to be represented in the Parlia-

Forty-five members to sit in the House of Commons.

Farther provisions relating hereto. 6 Annæ, c. 23. sect. 1.

First Parliament of *Great Britain.*

ment of *Great Britain*. And the Lords of Parliament of *England*, and the sixteen peers of *Scotland*, such sixteen peers being summoned and returned in the manner agreed in this treaty, and the members of the House of Commons of the said Parliament of *England*, and the forty-five members for *Scotland*, such forty-five members being elected and returned in the manner agreed in this treaty, shall assemble and meet respectively, in the respective houses of the Parliament of *Great Britain*, at such time and place as shall be so appointed by her Majesty, and shall be the the two houses of the first Parliament of *Great Britain*; and that Parliament may continue for such time only, as the present Parliament of *England* might have continued if the Union of the two kingdoms had not been made, unless sooner dissolved by her Majesty. And that every one of the lords of Parliament of *Great Britain*, and every member of the house of commons of the Parliament of *Great Britain*, in the first and all succeeding Parliaments of *Great Britain*, until the Parliament of *Great Britain* shall otherwise direct, shall take the respective oaths appointed to be taken in stead of the oaths of allegiance and supremacy, by an Act of Parliament made in *England* in the first year of the reign of the late King *William* and *Mary*, intituled, *An Act for the abrogating of the Oaths of Supremacy and Allegiance, and appointing other Oaths*, and make, subscribe, and audibly repeat the declaration mentioned in an Act of Parliament made in *England* in the thirtieth year of the reign of King *Charles* the Second, intituled, *An Act for the more effectual preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament*; and shall take and subscribe the oath mentioned in an Act of Parliament made in *England*, in the first year of her Majesty's reign, intituled, *An Act to declare the Alterations in the Oath appointed to be taken by the Act*, intituled, *An Act for the further Security of his Majesty's Person, and the Succession of the Crown in the Protestant Line, and for extinguishing the Hopes of the pretended Prince of* Wales, *and all other Pretenders, and their open and secret Abettors, and for declaring the Association to be determined*; at such time, and in such manner as the members of both houses of Parliament of *England* are by the said respective Acts directed to take, make, and subscribe the same, upon the penalties and disabilities in the said respective Acts contained. And it is declared and agreed, That these words, *This Realm*, *The Crown of this Realm*, and *The Queen of this Realm*, mentioned in the oaths and declaration contained in the aforesaid Acts, which were intended to signify the crown and realm of *England*, shall be understood of the crown and realm of *Great Britain*; and that in that sense the said oaths and declaration be taken and subscribed by the members of both houses of the Parliament of *Great Britain*.

5 Anne, c 8.

Members to take the oaths, &c.

1 W. & M. ses. 1. c. 8.

30 Car. 2 stat. 2. c. 1.

1 Annæ, stat. 1. c. 22.

ARTICLE XXIII.

That the aforesaid sixteen peers of *Scotland* mentioned in the last preceding article, to sit in the house of lords of the Parliament of *Great Britain*, shall have all privileges of Parliament, which the peers of *England* now have, and which they, or any peers of *Great Britain* shall have after the union, and particularly the right of sitting upon the trial of peers: And in case of the trial of any peer, in time of adjournment, or prorogation of Parliament, the said sixteen peers shall be summoned in the same manner, and have the same powers and privileges at such trial, as any other peers of *Great Britain*. And that in case any trials of peers shall hereafter happen, when there is no Parliament in being, the sixteen peers of *Scotland* who sat in the last preceeding Parliament, shall be summoned in the same manner, and have the same powers and privileges at such trials, as any other peers of *Great Britain*; and that all peers of *Scotland*, and their successors to their honours and dignities, shall from and after the Union, be peers of *Great Britain*, and have rank and precedency next and immediately after the peers of the like orders and degrees in *England* at the time of the Union, and before all peers of *Great Britain* of the like orders and degrees, who may be created after the Union, and shall be tried as peers of *Great Britain*, and shall enjoy all privileges of peers, as fully as the peers of *England* do now, or as they, or any other peers of *Great Britain* may hereafter

Privileges of the sixteen peers;

and of all the peers of Scotland.

5 Anne, c. 8.

enjoy the same, except the right and privilege of sitting in the house of lords, and the privileges depending thereon, and particularly the right of sitting upon the trials of peers.

ARTICLE XXIV.

One great seal.

That from and after the Union, there be one great seal for the united kingdom of *Great Britain*, which shall be different from the great seal now used in either kingdom: And that the quartering the arms, and the rank and precedency of the lyon king of arms of the kingdom of *Scotland*, as may best suit the Union, be left to her Majesty: And that in the mean time, the great seal of *England* be used as the great seal of the united kingdom, and that the great seal of the united kingdom be used for sealing writs to elect and summon the Parliament of *Great Britain*, and for sealing all treaties with foreign princes and states, and all publick acts, instruments and orders of state, which concern the whole United kingdom, and in all other matters relating to *England*, as the great seal of *England* is now used: And that a seal in *Scotland* after the Union be always kept and made use of in all things relating to private rights or grants, which have usually passed the great seal of *Scotland*, and which only concern offices, grants, commissions, and private rights within that kingdom; and that until such seal shall be appointed by her Majesty, the present great seal of *Scotland* shall be used for such purposes: And that the privy seal, signet, casset, signet of the justiciary court, quarter seal, and seals of court now used in *Scotland* be continued; but that the said seals be altered and adapted to the state of the Union, as her Majesty shall think fit; and the said seals, and all of them, and the keepers of them, shall be subject to such regulations as the Parliament of *Great Britain* shall hereafter make. And that the crown, scepter, and sword of state, the records of Parliament, and all other records, rolls and registers whatsoever, both publick and private, general and particular, and warrants thereof, continue to be kept as they are within that part of the united kingdom now called *Scotland*; and that they shall so remain in all time coming, notwithstanding the Union.

Seal in Scotland.

Privy seal, &c. continued.

Regalia, records of parliament, &c.

ARTICLE XXV.

Laws inconsistent, void.

That all laws and statutes in either kingdom, so far as they are contrary to, or inconsistent with the terms of these articles, or any of them, shall, from and after the Union, cease and become void, and shall be so declared to be, by the respective Parliaments of the kingdom.

As by the said articles of Union, ratified and approved by the said Act of Parliament of *Scotland*, relation being thereunto had, may appear. And the tenor of the aforesaid Act for securing the protestant religion and presbyterian church government within the kingdom of *Scotland*, is as follows:

Act for securing the protestant religion, and presbyterian church government in Scotland.

II. OUR sovereign lady, and the estates of Parliament, considering that by the late Act of Parliament, for a treaty with *England* for an Union of both kingdoms, it is provided, That the commissioners for that treaty should not treat of or concerning any alteration of the worship, discipline, and government of the church of this Kingdom as now by law established: Which treaty being now reported to the Parliament, and it being reasonable and necessary that the true protestant religion, as presently professed within this kingdom, with the worship, discipline, and government of this church, should be effectually and unalterably secured: Therefore her Majesty, with advice and consent of the said estates of Parliament, doth hereby establish and confirm the said true protestant religion, and the worship, discipline, and government of this church, to continue without any alteration to the people of this land in all succeeding generations; and more especially her Majesty, with advice and consent aforesaid, ratifies, approves, and for ever confirms the fifth Act of the first Parliament of King *William* and Queen *Mary*, intituled, *Act ratifying the Confession of Faith, and settling Presbyterian Church Government*; with all other Acts of Parliament relating thereto, in prosecution of the declaration of the estates of this kingdom, containing the claim of right, bearing date the

eleventh of *April*, one thousand six hundred and eighty-nine: And her Majesty, with advice and consent aforesaid, expressly provides and declares, That the foresaid true protestant religion, contained in the above-mentioned confession of faith, with the form and purity of worship presently in use within this church, and its presbyterian church government and discipline (that is to say) the government of the church by kirk sessions, presbyteries, provincial synods, and general assemblies, all established by the aforesaid Acts of Parliament, pursuant to the claim of right, shall remain and continue unalterable, and that the said presbyterian government shall be the only government of the church within the kingdom of *Scotland*. 5 Anne, c. 8.

III. And further, for the greater security of the aforesaid protestant religion, and of the worship, discipline, and government of this church, as above established, her Majesty, with advice and consent foresaid, statutes and ordains, That the universities and colleges of Saint *Andrews*, *Glasgow*, *Aberdeen*, and *Edinburgh*, as now established by law, shall continue within this kingdom for ever; and that in all time coming, no professors, principals, regents, masters, or others, bearing office in any university, college, or school within this kingdom, be capable to be admitted, or allowed to continue in the exercise of their said functions, but such as shall own and acknowledge the civil government in manner prescribed or to be prescribed by the Acts of Parliament; as also, that before, or at their admissions, they do and shall acknowledge and profess, and shall subscribe to the foresaid confession of faith, as the confession of their faith, and that they will practise and conform themselves to the worship presently in use in this church, and submit themselves to the government and discipline thereof, and never endeavour directly or indirectly the prejudice or subversion of the same, and that before the respective presbyteries of their bounds, by whatsoever gift, presentation or provision they may be thereto provided. Universities and colleges to continue.

IV. And further, her Majesty, with advice aforesaid, expressly declares, and statutes, That none of the subjects of this kingdom shall be liable to, but all and every one of them for ever free of any oath, test or subscription within this kingdom, contrary to, or inconsistent with the foresaid true protestant religion, and presbyterian church government, worship, and discipline, as above established; and that the same within the bounds of this church and kingdom, shall never be imposed upon, or required of them in any sort. And lastly, That after the decease of her present Majesty, (whom God long preserve) the sovereign succeeding to her in the royal government of the kingdom of *Great Britain*, shall in all time coming at his or her accession to the crown, swear and subscribe, that they shall inviolably maintain and preserve the foresaid settlement of the true protestant religion, with the government, worship, discipline, right and privileges of this church, as above established by the laws of this kingdom in prosecution of the claim of right. Subjects not liable to any oath inconsistent with the said church government. Queen's successors to maintain the same.

V. And it is hereby statute and ordain'd, That this Act of Parliament, with the establishment therein contained, shall be held and observed in all time coming, as a fundamental and essential condition of any treaty or Union to be concluded betwixt the two kingdoms, without any alteration thereof, or derogation thereto in any sort for ever: As also, That this Act of Parliament, and settlement therein contain'd, shall be insert and repeated in any Act of Parliament that shall pass for agreeing and concluding the foresaid treaty or Union betwixt the two kingdoms; and that the same shall be therein expressly declared to be a fundamental and essential condition of the said treaty or Union in all time coming: Which articles of Union, and Act immediately above-written, her Majesty, with advice and consent aforesaid, statutes, enacts, and ordains to be and continue, in all time coming, the sure and perpetual foundation of a compleat and entire Union of the two kingdoms of *Scotland* and *England*, under the express condition and provision, that this approbation and ratification of the foresaid articles and Act shall be no ways binding on this kingdom, until the said articles and Act be ratified, approved, and confirmed by her Majesty, with and by the authority of the Parliament of *England*, as they are now agreed to, approved and confirmed by her Majesty, with and by the autho- Act to be for ever observed as an essential part of any treaty, &c. between the kingdoms. Parliament of

5 Anne, c. 8.

rity of the Parliament of *Scotland*; declaring nevertheless, that the Parliament of *England* may provide for the security of the church of *England* as they think expedient, to take place within the bounds of the said kingdom of *England*, and not derogating from the security above provided for establishing of the church of *Scotland* within the bounds of this kingdom; as also the said Parliament of *England* may extend the additions and other provisions contained in the articles of Union, as above insert, in favours of the subjects of *Scotland*, to and in favours of the subjects of *England*; which shall not suspend or derogate from the force and effect of this present ratification, but shall be understood as herein included, without the necessity of any new ratification in the parliament of *Scotland*.

England may provide for security of church of England, &c.

VI. And lastly, her Majesty enacts and declares, That all laws and statutes in this kingdom, so far as they are contrary to, or inconsistent with, the terms of these articles, as above-mentioned, shall from and after the Union cease and become void.

All laws, &c. inconsistent with articles of Union, to cease.

5 Annæ, c. 5.

VII. And whereas an Act hath passed in this present Session of Parliament, intituled, *An Act for securing the Church of* England *as by Law established*; the tenor whereof follows:

Act for securing the church of England, recited.

WHEREAS by an Act made in the Session of Parliament held in the third and fourth year of her Majesty's reign, whereby her Majesty was impowered to appoint commissioners, under the great seal of *England*, to treat with commissioners to be authorized by the Parliament of *Scotland*, concerning an Union of the kingdoms of *England* and *Scotland*, it is provided and enacted, That the commissioners to be named in pursuance of the said Act should not treat of or concerning any alteration of the liturgy, rites, ceremonies, discipline, or government of the church as by law established within this realm: And whereas certain commissioners appointed by her Majesty in pursuance of the said Act, and also other commissioners nominated by her Majesty by the authority of the Parliament of *Scotland*, have met and agreed upon a treaty of Union of the said kingdoms; which treaty is now under the consideration of this present Parliament: And whereas the said treaty (with some alterations therein made) is ratified and approved by Act of Parliament in *Scotland*; and the said Act of ratification is by her Majesty's royal command, laid before the Parliament of this kingdom: And whereas it is reasonable and necessary, that the true protestant religion professed and established by law in the church of *England*, and the doctrine, worship, discipline, and government thereof, should be effectually and unalterably secured; be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by authority of the same, That an Act made in the thirteenth year of the reign of Queen *Elizabeth*, of famous memory, intituled, *An Act for the Ministers of the Church to be of sound Religion*; and also another Act made in the thirteenth year of the reign of the late King *Charles* the Second, intituled, *An Act for the Uniformity of the Publick Prayers and Administration of Sacraments, and other Rites and Ceremonies, and for establishing the form of making, ordaining, and consecrating Bishops, Priests, and Deacons in the Church of* England (other than such clauses in the said Acts, or either of them, as have been repealed or altered by any subsequent Act or Acts of Parliament) and all and singular other Acts of Parliament now in force for the establishment and preservation of the church of *England*, and the doctrine, worship, discipline, and government thereof, shall remain and be in full force for ever.

13 Eliz. c. 12.

13 & 14 Car. 2. c. 4.

Queen's successors to take an oath, to maintain the church of England.

VIII. And be it further enacted by the authority aforesaid, That after the demise of her Majesty (whom God long preserve) the sovereign next succeeding to her Majesty in the royal government of the kingdom of *Great Britain*, and so for ever hereafter, every King or Queen succeeding and coming to the royal government of the kingdom of *Great Britain*, at his or her coronation, shall in the presence of all persons who shall be attending, assisting, or otherwise then and there present, take and subscribe an oath to maintain and preserve inviolably the said settlement of the church of *England*, and the doctrine, worship, discipline, and government

thereof, as by law established within the kingdoms of *England* and *Ireland*, the dominion of *Wales*, and town of *Berwick* upon *Tweed*, and the territories thereunto belonging. 5 Anne, c. 8.

IX. And be it further enacted by the authority aforesaid, That this Act, and all and every the matters and things therein contained, be, and shall for ever be holden and adjudged to be a fundamental and essential part of any treaty of Union to be concluded between the said two kingdoms; and also that this Act shall be inserted in express terms in any Act of Parliament which shall be made for settling and ratifying any such treaty of Union, and shall be therein declared to be an essential and fundamental part thereof. Act to be an essential part of any treaty, &c.

X. May it therefore please your most excellent Majesty, that it may be enacted; And be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That all and every the said articles of Union as ratified and approved by the said Act of Parliament of *Scotland*, as aforesaid, and hereinbefore particularly mentioned and inserted; and also the said Act of Parliament of *Scotland* for establishing the protestant religion and presbyterian church government within that kingdom, intituled, *Act for securing the Protestant Religion, and Presbyterian Church Government*, and every clause, matter, and thing in the said articles and Act contained, shall be, and the said articles and Act are hereby for ever ratified, approved, and confirmed. Articles of union, and the Act for establishing presbyterian church government, &c. ratified and confirmed.

XI. And it is hereby further enacted by the authority aforesaid, That the said Act passed in this present session of Parliament, intituled, *An Act for securing the Church of* England, *as by Law established*, and all and every the matters and things therein contained, and also the said Act of Parliament of *Scotland*, intituled, *An Act for securing the Protestant Religion, and Presbyterian Church Government*, with the establishment in the said Act contained, be and shall for ever be held and adjudged to be, and observed as fundamental and essential conditions of the said Union; and shall in all times coming be taken to be, and are hereby declared to be essential and fundamental parts of the said articles and Union; and the said articles of union so as aforesaid ratified, approved and confirmed by Act of Parliament of *Scotland*, and by this present Act, and the said Act passed in this present session of Parliament, intituled, *An Act for securing the Church of* England *as by Law established*, and also the said Act passed in the Parliament of *Scotland*, intituled, *An Act for securing the Protestant Religion and Presbyterian Church Government*, are hereby enacted and ordained to be and continue in all times coming the compleat and intire union of the two kingdoms of *England* and *Scotland*. 5 Annæ, c. 5. Acts for settling the church governments in *England* and *Scotland*, &c. declared essential parts of the union. 5 Annæ, c. 5.

XII. And whereas since the passing the said Act in the Parliament of *Scotland*, for ratifying the said articles of Union, one other Act, intituled, *An Act settling the Manner of electing the Sixteen Peers, and Forty-five Members, to represent* Scotland *in the Parliament of* Great Britain, hath likewise passed in the said Parliament of *Scotland* at *Edinburgh*, the fifth day of *February*, one thousand seven hundred and seven, the tenor whereof follows:— Act settling the manner of electing the representatives of *Scotland*.

OUR Sovereign Lady considering, That by the twenty-second article of the treaty of Union, as the same is ratified by an Act passed in this session of Parliament, upon the sixteenth of *January* last, it is provided, That by virtue of the said treaty, of the Peers of *Scotland*, at the time of the Union, sixteen shall be of the number to sit and vote in the House of Lords, and forty-five the number of the representatives of *Scotland* in the House of Commons of the Parliament of *Great Britain*; and that the said sixteen peers, and forty-five members in the House of Commons, be named and chosen in such manner as by a subsequent Act in this present session of Parliament in *Scotland*, should be settled; which Act is thereby declared to be as valid, as if it were a part of, and ingrossed in the said treaty: Therefore her Majesty, with the advice and consent of the estates of Parliament, statutes, enacts and ordains, That the said sixteen peers, who shall have right to sit in the House of Peers in the Parliament of *Great Britain*, on the part of *Scotland*, by virtue of this treaty, shall be named by the said peers of *Scotland*, whom they represent, their heirs or successors to their Tenor of the Act. How the sixteen peers shall be elected.

5 Anne, c. 8.

dignities and honours, out of their own number, and that by open election and plurality of voices of the peers present, and of the proxies for such as shall be absent, the said proxies being peers, and producing a mandate in writing duly signed before witnesses, and both the constituent and proxy being qualified according to law; declaring also, That such peers as are absent, being qualified as aforesaid, may send to all such meetings lists of the peers whom they judge fittest, validly signed by the said absent peers, which shall be reckoned in the same manner as if the parties had been present, and given in the said list; and in case of the death, or legal incapacity of any of the said sixteen peers, that the aforesaid peers of *Scotland* shall nominate another of their own number, in place of the said peer or peers, in mannner before and aftermentioned: And that of the said forty-five representatives of *Scotland* in the House of Commons in the Parliament of *Great Britain*, thirty shall be chosen by the shires or steuartries, and fifteen by the royal burrows, as follows, *viz.* one for every shire and steuartry, excepting the shires of *Bute* and *Cathness*, which shall choose one by turns, *Bute* having the first election; the shires of *Nairn* and *Cromarty*, which shall also choose by turns, *Nairn* having the first election; and in like manner the shires of *Clackmanan* and *Kinross* shall choose by turns, *Clackmanan* having the first election; and in case of the death or legal incapacity of any of the said members from the respective shires or steuarties above-mentioned, to sit in the House of Commons, it is enacted and ordained, That the shire or steuartry, who elected the said member, shall elect another member in his place; and that the said fifteen representatives for the royal burrows be chosen as follows, *viz.* That the town of *Edinburgh* shall have right to elect and send one member to the Parliament of *Great Britain;* and that each of the other burghs shall elect a commissioner in the same manner as they are now in use to elect commissioners to the Parliament of *Scotland*, which commissioners and burghs (*Edinburgh* excepted) being divided in fourteen classes or districts, shall meet at such time and burghs within their respective districts, as her Majesty, her heirs or successors shall appoint, and elect one for each district, *viz.* The burghs of *Kirkwall, Week, Dornock, Dingwall,* and *Taine*, one; the burghs of *Fortrose, Inverness, Nairn,* and *Forress*, one; the burghs of *Elgin, Cullen, Banff, Inverury* and *Kintore*, one; the burghs of *Aberdeen, Inverbervy, Montrose, Aberbrothock,* and *Brochine*, one; the burghs of *Forfar, Perth, Dundee, Coupar,* and *St. Andrews*, one; the burghs of *Craill, Kilrennie, Anstruther Easter, Anstruther Wester,* and *Pittenweem*, one; the burghs of *Dysart, Kirkaldie, Kinghern,* and *Bruntisland*, one; the burghs of *Innerkithen, Dunfermline, Queensferry, Culross,* and *Sterling*, one; the burghs of *Glasgow, Renfrew, Ruglen,* and *Dumbarton*, one; the burghs of *Haddington, Dunbarr, North Berwick, Lauder,* and *Jedburgh*, one; the burghs of *Selkirk, Peebles, Linlithgow,* and *Lanerk*, one; the burghs of *Dumfries, Sanquhar, Annan, Lockmaben,* and *Kirkcudbright*, one; the burghs of *Wigtoun, New Galloway, Stranraver,* and *Whitchern*, one; and the burghs of *Air, Irvin, Rothesay, Cambletoun,* and *Inverary*, one: And it is hereby declared and ordained, That where the votes of the commissioners for the said burghs, met to choose representatives from their several districts to the Parliament of *Great Britain*, shall be equal, in that case the president of the meeting shall have a casting or decisive vote, and that by and according to his vote as a commissioner from the burgh from which he is sent; the commissioner from the eldest burgh presiding in the first meeting, and the commissioners from the other burghs in their respective districts presiding afterwards by turns, in the order as the said burghs are now called in the rolls of the Parliament of *Scotland;* and that in case any of the said fifteen commissioners from burghs shall decease or become legally incapable to sit in the House of Commons, then the town of *Edinburgh*, or the district which chose the said member, shall elect a member in his or their place: It is always hereby expressly provided and declared, That none shall be capable to elect or be elected for any of the said estates, but such as are twenty-one years of age compleat, and protestant, excluding all papists, or such who being suspect of popery, and required, refuse to swear and subscribe the *formula* contained in the third Act made

And also the forty-five representatives.

in the eighth and ninth sessions of King *William's* Parliament, intituled, *Act for preventing the Growth of Popery;* and also declaring, that none shall be capable to elect, or be elected, to represent a shire or burgh in the Parliament of *Great Britain*, for this part of the united kingdom, except such as are now capable by the laws of this kingdom, to elect, or be elected as commissioners for shires or burghs to the Parliament of *Scotland:* And further, her Majesty, with advice and consent aforesaid, for the effectual and orderly election of the persons to be chosen to sit, vote, and serve in the respective houses of the Parliament of *Great Britain*, when her Majesty, her heirs and successors, shall declare her or their pleasure for holding the first or any subsequent Parliament of *Great Britain*, and when for that effect a writ shall be issued out under the great seal of the united kingdom, directed to the privy council of *Scotland*, conform to the said twenty-second article, statutes, enacts, and ordains, That until the Parliament of *Great Britain* shall make further provision therein, the said writ shall contain a warrant and command to the said privy council, to issue out a proclamation in her Majesty's name, requiring the peers of *Scotland*, for the time, to meet and assemble at such time and place within *Scotland*, as her Majesty and royal successors shall think fit, to make election of the said sixteen peers, and requiring the lord clerk register, or two of the clerks of session, to attend all such meetings, and to administer the oaths that are or shall be by law required, and to ask the votes; and having made up the list in the presence of the meeting, to return the names of the sixteen peers chosen (certified under the subscription of the said lord clerk register, clerk or clerks of session attending) to the clerk of the privy council of *Scotland*, and in like manner requiring and ordaining the several freeholders in the respective shires and steuartries, to meet and convene at the head burghs of their several shires and steuartries, to elect their commissioners, to conform to the order above set down, and ordaining the clerks of the said meetings immediately after the said elections are over, respectively to return the names of the persons elected to the clerks of the privy council: And lastly, ordaining the city of *Edinburgh* to elect their commissioner, and the other royal burrows to elect each of them a commissioner, as they have been in use to elect commissioners to the Parliament, and to send the said respective commissioners at such times, to such burghs, within their respective districts, as her Majesty and successors by such proclamation shall appoint; requiring and ordaining the common clerk of the respective burghs, where such election shall be appointed to be made, to attend the said meetings, and immediately after the election to return the name of the person so elected (certified under his hand) to the clerk of privy council, to the end that the names of the sixteen peers, thirty commissioners for shires, and fifteen commissioners for burghs, being so returned to the privy council, may be returned to the court from whence the writ did issue under the great seal of the united kingdom, conform to the said twenty-second article: And whereas by the said twenty-second article it is agreed, That if her Majesty shall on or before the first day of *May* next declare, that it is expedient the Lords and Commons of the present Parliament of *England*, should be the members of the respective houses of the first Parliament of *Great Britain*, for and on the part of *England*, they shall accordingly be the members of the said respective houses, for and on the part of *England;* her Majesty, with advice and consent aforesaid, in that case only, doth hereby statute and ordain, That the sixteen peers, and forty-five commissioners for shires and burghs, who shall be chosen by the peers, barons, and burghs respectively, in this present session of Parliament, and out of the members thereof, in the same manner as committees of Parliament are usually now chosen, shall be the members of the respective houses of the said first Parliament of *Great Britain*, for and on the part of *Scotland*. Which nomination and election being certified by a writ under the lord clerk register's hand, the persons so nominated and elected shall have right to sit and vote in the House of Lords, and in the House of Commons, of the said first Parliament of *Great Britain*.

5 Anne, c. 8.

16 Geo. 2. c. 11.

XIII. As by the said Act passed in *Scotland*, for settling the manner of electing the sixteen peers, and forty-five members, to represent *Scotland* in

Act aforesaid declared valid.

5 Anne, c. 8.

the Parliament of *Great Britain*, may appear; Be it therefore further enacted and declared by the authority aforesaid, That the said last-mentioned Act passed in *Scotland* for settling the manner of electing the sixteen peers, and forty-five members, to represent *Scotland* in the Parliament of *Great Britain*, as aforesaid, shall be, and the same is hereby declared to be as valid as if the same had been part of, and engrossed in the said articles of Union ratified and approved by the said Act of Parliament of *Scotland*, and by this Act, as aforesaid.

Part VIII.—Class II.

40 Geo. III. c. 67.—An Act for the Union of *Great Britain* and *Ireland*.—[*July 2nd* 1800.]

40 Geo. III. c. 67.

Preamble.

WHEREAS in pursuance of his Majesty's most gracious recommendation to the two houses of Parliament in *Great Britain* and *Ireland* respectively, to consider of such measures as might best tend to strengthen and consolidate the connection between the two kingdoms, the two houses of Parliament of *Great Britain* and the two houses of Parliament of *Ireland* have severally agreed and resolved, that, in order to promote and secure the essential interests of *Great Britain* and *Ireland*, and to consolidate the strength, power, and resources of the *British* empire, it will be adviseable to concur in such measures as may best tend to unite the two kingdoms of *Great Britain* and *Ireland* into one kingdom, in such manner, and on such terms and conditions, as may be established by the acts of the respective Parliaments of *Great Britain* and Ireland.

The parliaments of England and Ireland have agreed upon the articles following:

And whereas, in furtherance of the said resolution, both houses of the said two Parliaments respectively have likewise agreed upon certain articles for effectuating and establishing the said purposes, in the tenor following:

ARTICLE I.

That Great Britain and Ireland shall, upon Jan. 1, 1801, be united into one kingdom; and that the titles appertaining to the crown, &c. shall be such as his Majesty shall be pleased to appoint.

That it be the first article of the Union of the kingdoms of *Great Britain* and *Ireland*, that the said kingdoms of *Great Britain* and *Ireland* shall, upon the first day of *January* which shall be in the year of our Lord one thousand eight hundred and one, and for ever after, be united into one kingdom, by the name of *The United Kingdom of Great Britain and Ireland*; and that the royal stile and titles appertaining to the imperial crown of the said united kingdom and its dependencies; and also the ensigns, armorial flags and banners thereof, shall be such as his Majesty, by his royal proclamation under the great seal of the united kingdom, shall be pleased to appoint.

ARTICLE II.

That the succession to the crown shall continue limited and settled as at present.

That it be the second article of Union, that the succession to the imperial crown of the said united kingdom, and of the dominions thereunto belonging, shall continue limited and settled in the same manner as the succession to the imperial crown of the said kingdoms of *Great Britain* and *Ireland* now stands limited and settled, according to the existing laws, and to the terms of Union between *England* and *Scotland*.

ARTICLE III.

That the united kingdom be represented in one parliament.

That it be the third article of Union, that the said united kingdom be represented in one and the same Parliament, to be stiled *The Parliament of the United Kingdom of Great Britain and Ireland*.

40 Geo. III. c. 67.

ARTICLE IV.

That it be the fourth article of Union, that four lords spiritual of *Ireland* by rotations of sessions, and twenty-eight lords temporal of *Ireland* elected for life by the peers of *Ireland*, shall be the number to sit and vote on the part of *Ireland* in the house of lords of the Parliament of the united kingdom; and one hundred commoners (two for each county of *Ireland*, two for the city of *Dublin*, two for the city of *Cork*, one for the university of *Trinity College*, and one for each of the thirty-one most considerable cities, towns, and boroughs), be the number to sit and vote on the part of *Ireland* in the house of commons of the Parliament of the united kingdom:

That the number of lords spiritual and temporal, and of commoners, herein specified, shall sit and vote on the part of Ireland in the parliament of the united kingdom.

That such Act as shall be passed in the Parliament of *Ireland* previous to the Union, to regulate the mode by which the Lords Spiritual and Temporal, and Commons, to serve in the Parliament of the united kingdom on the part of *Ireland*, shall be summoned and returned to the said Parliament, shall be considered as forming part of the treaty of Union, and shall be incorporated in the Act of the respective Parliaments by which the said Union shall be ratified and established:

That such Act as shall be passed in Ireland to regulate the mode of summoning and returning the lords and commoners to serve in the parliament of the united kingdom, shall be considered as part of the treaty of Union.

That all questions touching the rotation or election of Lords Spiritual or Temporal of *Ireland* to sit in the Parliament of the united kingdom, shall be decided by the house of lords thereof; and whenever, by reason of an equality of votes in the election of any such Lords Temporal, a complete election shall not be made according to the true intent of this article, the names of those peers for whom such equality of votes shall be so given, shall be written on pieces of paper of a similar form, and shall be put into a glass, by the clerk of the Parliaments at the table of the house of lords whilst the house is sitting; and the peer or peer whose name or names shall be first drawn out by the clerk of the Parliaments, shall be deemed the peer or peers elected, as the case may be:

That all questions touching the rotation or election of lords of Ireland to sit in the united parliament shall be decided by the house of lords thereof.

That any person holding any peerage of *Ireland* now subsisting, or hereafter to be created, shall not thereby be disqualified from being elected to serve, if he shall so think fit, or from serving or continuing to serve, if he shall so think fit, for any county, city, or borough of *Great Britain*, in the house of commons of the united kingdom, unless he shall have been previously elected as above, to sit in the house of lords of the united kingdom; but that so long as such peer of *Ireland* shall so continue to be a member of the house of commons, he shall not be entitled to the privilege of peerage, nor be capable of being elected to serve as a peer on the part of *Ireland*, or of voting at any such election; and that he shall be liable to be sued, indicted, proceeded against, and tried as a commoner, for any offence with which he may be charged:

That any peer of Ireland may be elected to serve in the house of commons of the united kingdom, unless previously elected to sit in the house of lords, but shall not be entitled to the privilege of peerage, &c.

That it shall be lawful for his Majesty, his heirs and successors, to create peers of that part of the united kingdom called *Ireland*, and to make promotions in the peerage thereof, after the Union; provided that no new creation of any such peers shall take place after the Union until three of the peerages of *Ireland*, which shall have been existing at the time of the Union, shall have become extinct; and upon such extinction of three peerages, that it shall be lawful for his Majesty, his heirs and successors, to create one peer of that part of the united kingdom called *Ireland;* and in like manner so often as three peerages of that part of the united kingdom called *Ireland* shall become extinct, it shall be lawful for his Majesty, his heirs and successors, to create one other peer of the said part of the united kingdom; and if it shall happen that the peers of that part of the united kingdom called *Ireland*, shall, by extinction of peerages or otherwise, be reduced to the number of one hundred, exclusive of all such peers of that part of the

His Majesty may create peers, and make promotions in the peerage of Ireland after the Union, under certain regulations.

40 Geo. III. c. 67.

united kingdom called *Ireland*, as shall hold any peerage of *Great Britain* subsisting at the time of the Union, or of the united kingdom, created since the Union, by which such peers shall be entitled to an hereditary seat in the house of lords of the united kingdom, then and in that case it shall and may be lawful for his Majesty, his heirs and successors, to create one peer of that part of the united kingdom called *Ireland*, as often as any one of such one hundred peerages shall fail by extinction, or as often as any one peer of that part of the united kingdom called *Ireland* shall become entitled, by descent or creation, to an hereditary seat in the house of lords of the united kingdom; it being the true intent and meaning of this article, that at all times after the Union, it shall and may be lawful for his Majesty, his heirs and successors, to keep up the peerage of that part of the united kingdom called *Ireland* to the number of one hundred, over and above the number of such of the said peers as shall be entitled, by descent or creation, to an hereditary seat in the house of lords of the united kingdom:

Peerages in abeyance to be deemed existing peerages, and no peerage to be deemed extinct but on default of claim for a year after the death of the late possessor.

That if any peerage shall at any time be in abeyance, such peerage shall be deemed and taken as an existing peerage; and no peerage shall be deemed extinct, unless on default of claimants to the inheritance of such peerage for the space of one year from the death of the person who shall have been last possessed thereof; and if no claim shall be made to the inheritance of such peerage, in such form and manner as may from time to time be prescribed by the house of lords of the united kingdom, before the expiration of the said period of a year, then and in that case such peerage shall be deemed extinct; provided that nothing herein shall exclude any person from afterwards putting in a claim to the peerage so deemed extinct; and if such claim shall be allowed as valid, by judgement of the house of lords of the united kingdom, reported to his Majesty, such peerage shall be considered as revived; and in case any new creation of a peerage of that part of the united kingdom called *Ireland*, shall have taken place in the interval, in consequence of the supposed extinction of such peerage, then no new right of creation shall accrue to his Majesty, his heirs or successors, in consequence of the next extinction which shall take place of any peerage of that part of the united kingdom called *Ireland*:

If a claim be after that period made and allowed, and a new creation shall have taken place in the interval, no new right of creation shall accrue to his Majesty on the next extinction of a peerage.

Questions touching the election of members to sit in the house of commons of the unitedkingdom on the part of Ireland shall be decided as questions touching such elections in Great Britain;

That all questions touching the election of members to sit on the part of *Ireland* in the house of commons of the united kingdom shall be heard and decided in the same manner as questions touching such elections in *Great Britain* now are, or at any time hereafter shall by law be heard and decided; subject nevertheless to such particular regulations in respect of *Ireland* as, from local circumstances, the Parliament of the united kingdom may from time to time deem expedient:

and their qualifications in respect of property shall be the same as in England.

That the qualifications in respect of property of the members elected on the part of *Ireland* to sit in the house of commons of the united kingdom, shall be respectively the same as are now provided by law in the cases of elections for counties and cities and boroughs respectively in that part of *Great Britain* called *England*, unless any other provision shall hereafter be made in that respect by Act of Parliament of the united kingdom:

When his Majesty shall declare his pleasure for holding a parliament of the united kingdom, a proclamation shall

That when his Majesty, his heirs or successors, shall declare his, her, or their pleasure for holding the first or any subsequent Parliament of the united kingdom, a proclamation shall issue, under the great seal of the united kingdom, to cause the Lords Spiritual and Temporal, and Commons, who are to serve in the Parliament thereof on the part of *Ireland*, to be returned in such manner as by any Act of this present Session of the Parliament of *Ireland* shall be provided; and that the Lords Spiritual and Temporal and Commons of *Great Britain* shall, together with the Lords Spiri-

tual and Temporal and Commons so returned as aforesaid on the part of *Ireland*, constitute the two houses of the Parliament of the united kingdom: 40 Geo. III. c. 67.

issue to cause

the lords and commons, who are to serve on the part of Ireland, to be returned as shall be provided by any Act of the present Session in Ireland.

That if his Majesty, on or before the first day of *January* one thousand eight hundred and one, on which day the Union is to take place, shall declare, under the great seal of *Great Britain*, that it is expedient that the lords and commons of the present Parliament of *Great Britain* should be the members of the respective houses of the first Parliament of the united kingdom on the part of *Great Britain*, then the said lords and commons of the present Parliament of *Great Britain* shall accordingly be the members of the respective houses of the first Parliament of the united kingdom on the part of *Great Britain;* and they, together with the Lords Spiritual and Temporal and Commons, so summoned and returned as above on the part of *Ireland*, shall be the Lords Spiritual and Temporal and Commons of the first Parliament of the united kingdom; and such first Parliament may (in that case) if not sooner dissolved, continue to sit so long as the present Parliament of *Great Britain* may now by law continue to sit, if not sooner dissolved: Provided always, that until an Act shall have passed in the Parliament of the united kingdom, providing in what cases persons holding offices or places of profit under the crown in *Ireland*, shall be incapable of being members of the house of commons of the Parliament of the united kingdom, no greater number of members than twenty, holding such offices or places, as aforesaid, shall be capable of sitting in the said house of commons of the Parliament of the united kingdom; and if such a number of members shall be returned to serve in the said house as to make the whole number of members of the said house holding such offices or places as aforesaid more than twenty, then and in such case the seats of such members as shall have last accepted such offices or places shall be vacated, at the option of such member, so as to reduce the number of members holding such offices or places to the number of twenty; and no person holding any such office or place shall be capable of being elected or of sitting in the said house, while there are twenty persons holding such offices or places sitting in the said house; and that every one of the lords of Parliament of the united kingdom, and every member of the house of commons of the united kingdom, in the first and all succeeding Parliaments, shall, until the Parliament of the united kingdom shall otherwise provide, take the oaths, and make and subscribe the declaration, and take and subscribe the oath now by law enjoined to be taken, made, and subscribed by the lords and commons of the Parliament of *Great Britain:*

If his Majesty, on or before Jan. 1801, shall declare it is expedient that the present parliament of Great Britain should be the members of the respective houses of the first parliament of the united kingdom on the part of Great Britain, they and the lords and commons returned on the part of Ireland may continue so long as the present parliament of Great Britain may; but unless an Act shall have passed in the united Parliament, providing in what cases persons holding offices of profit under the crown in Ireland, shall be incapable of sitting in the house of commons of the

united kingdom, no more than 20 shall sit therein; and if more than that number be returned the seats or places of such as shall have accepted such offices shall be vacated, so as to reduce them to 20. The lords and commons of the united Parliament shall take the oaths, &c. as enjoined to be taken by the lords and commons of the British Parliament.

That the lords of Parliament on the part of *Ireland*, in the House of Lords of the united kingdom, shall at all times have the same privileges of Parliament which shall belong to the lords of Parliament on the part of *Great Britain;* and the Lords Spiritual and Temporal respectively on the part of *Ireland* shall at all times have the same rights in respect of their sitting and voting upon the trial of peers, as the Lords Spiritual and Temporal respectively on the part of *Great Britain;* and that all Lords Spiritual of *Ireland* shall have rank and precedency next and immediately after the Lords Spiritual of the same rank and degree of *Great Britain*, and shall enjoy all privileges as fully as the Lords Spiritual of *Great Britain* do now or may hereafter enjoy the same (the right and privilege of sitting in the House of Lords, and the privileges depending thereon, and particularly the right of sitting on the trial of peers, excepted); and that the persons holding any temporal peerages of *Ireland*, existing at the time

The lords of parliament on the part of Ireland shall have the same privileges as the lords on the part of Great Britain, and all lords spiritual of Ireland shall have rank next after the lords spiritual of the same

40 Geo. III. c. 67.

of the Union, shall, from and after the Union, have rank and precedency next and immediately after all the persons holding peerages of the like orders and degrees in *Great Britain*, subsisting at the time of the Union; and that all peerages of *Ireland* created after the Union shall have rank and precedency with the peerages of the united kingdom, so created, according to the dates of their creations; and that all peerages both of *Great Britain* and *Ireland*, now subsisting or hereafter to be created, shall in all other respects, from the date of the Union, be considered as peerages of the united kingdom; and that the peers of *Ireland* shall, as peers of the united kingdom, be sued and tried as peers, except as aforesaid, and shall enjoy all privileges of peers as fully as the peers of *Great Britain;* the right and privilege of sitting in the House of Lords, and the privileges depending thereon, and the right of sitting on the trial of peers, only excepted:

rank of Great Britain, and shall enjoy the same privileges (except those depending upon sitting in the House of Lords), and the temporal peers of Ireland shall have rank next after the peers of the like rank in Great Britain at the time of the Union; and all peerages of Ireland and of the united kingdom created after the Union, shall have rank according to creation; and all peerages of Great Britain and of Ireland shall, in all other respects, be considered as peerages of the united kingdom, and the peers of Ireland shall enjoy the same privileges, except those depending upon sitting in the House of Lords.

ARTICLE V.

The churches of England and Ireland to be united into one protestant episcopal church, and the doctrine of the church of Scotland to remain as now established.

That it be the fifth article of Union, That the churches of *England* and *Ireland*, as now by law established, be united into one protestant episcopal church, to be called, *The United Church of England and Ireland;* and that the doctrine, worship, discipline, and government of the said united church shall be, and shall remain in full force for ever, as the same are now by law established for the church of *England;* and that the continuance and preservation of the said united church, as the established church of *England* and *Ireland*, shall be deemed and taken to be an essential and fundamental part of the Union; and that in like manner the doctrine, worship, discipline, and government of the church of *Scotland*, shall remain and be preserved as the same are now established by law, and by the Acts for the union of the two kingdoms of *England* and *Scotland*.

ARTICLE VI.

The subjects of Great Britain and Ireland shall be on the same footing in respect of trade and navigation, and in all treaties with foreign powers the subjects of Ireland shall have the same privileges as British subjects.

That it be the sixth article of Union, That his Majesty's subjects of *Great Britain* and *Ireland* shall, from and after the first day of *January* one thousand eight hundred and one, be entitled to the same privileges, and be on the same footing, as to encouragements and bounties on the like articles being the growth, produce, or manufacture of either country respectively, and generally in respect of trade and navigation in all ports and places in the united kingdom and its dependencies; and that in all treaties made by his Majesty, his heirs and successors, with any foreign power, his Majesty's subjects of *Ireland* shall have the same privileges, and be on the same footing, as his Majesty's subjects of *Great Britain*:

From January 1, 1801, all prohibitions and bounties on the export of articles the produce or manufacture of either country to the other shall cease.

That, from the first day of *January* one thousand eight hundred and one, all prohibitions and bounties on the export of articles, the growth, produce, or manufacture of either country, to the other, shall cease and determine; and that the said articles shall thenceforth be exported from one country to the other, without duty or bounty on such export:

All articles the produce or manufacture of either country, not here-

That all articles, the growth, produce, or manufacture of either country, (not hereinafter enumerated as subject to specific duties), shall from thenceforth be imported into each country from the other, free from duty, other than such countervailing duties on the several articles enumerated in the schedule number one A. and B. hereunto annexed, as are therein spe-

cified, or to such other countervailing duties as shall hereafter be imposed by the Parliament of the united kingdom, in the manner hereinafter provided; and that, for the period of twenty years from the Union, the articles enumerated in the schedule number two hereunto annexed, shall be subject, on importation into each country from the other, to the duties specified in the said schedule number two; and the woollen manufactures, known by the names of *Old and New Drapery*, shall pay, on importation into each country from the other, the duties now payable on importation into *Ireland:* salt and hops, on importation into *Ireland* from *Great Britain*, duties not exceeding those which are now paid on importation into *Ireland;* and coals, on importation into *Ireland* from *Great Britain*, shall be subject to burthens not exceeding those to which they are now subject:

inafter enumerated as subject to specific duties, shall be imported into each country from the other, duty free, other than the countervailing duties in the schedule (1), or to such as shall hereafter be imposed by the united parliament; and for 20 years from the Union, the articles in schedule (2), shall be subject, on importation into each country, to the duties in the said schedule; and old and new drapery shall pay, on importation into each country, the duty now payable on importation into Ireland; salt, hops, and coals, on importation into Ireland, not exceeding the present duties.

That callicoes and muslins shall, on their importation into either country from the other, be subject and liable to the duties now payable on the same on the importation thereof from *Great Britain* into *Ireland*, until the fifth day of *January* one thousand eight hundred and eight; and from and after the said day, the said duties shall be annually reduced, by equal proportions as near as may be in each year, so as that the said duties shall stand at ten *per centum* from and after the fifth day of *January* one thousand eight hundred and sixteen, until the fifth day of *January* one thousand eight hundred and twenty-one: and that cotton yarn and cotton twist shall, on their importation into either country from the other, be subject and liable to the duties now payable upon the same on the importation thereof from *Great Britain* into *Ireland*, until the fifth day of *January* one thousand eight hundred and eight; and from and after the said day, the said duties shall be annually reduced, by equal proportions as near as may be in each year, so that as that all duties shall cease on the said articles from and after the fifth day of *January* one thousand eight hundred and sixteen:

Callicoes and muslins on importation into either country shall be subject to the duties now payable on the importation thereof from Great Britain into Ireland, till January 5, 1808, which shall then be annually reduced so as to stand at 10 per cent. from January 5, 1816, until January 5, 1821: cotton yarn and twist shall, on importation into either country, be subject to the duties now payable on importation from Great Britain into Ireland, until January 5, 1808, and shall then be annually reduced, so as that all duties shall cease from January 5, 1816.

That any articles of the growth, produce, or manufacture of either country, which are or may be subject to internal duty, or to duty on the materials of which they are composed, may be made subject, on their importation into each country respectively from the other, to such countervailing duty as shall appear to be just and reasonable in respect of such internal duty or duties on the materials: and that for the said purposes the articles specified in the said schedule number one, A. and B. shall be subject to the duties set forth therein, liable to be taken off, diminished, or increased, in the manner herein specified; and that upon the export of the said articles from each country to the other respectively, a drawback shall be given equal in amount to the countervailing duty payable on such articles on the import thereof into the same country from the other; and that in like manner in future it shall be competent to the united Parliament to impose any new or additional countervailing duties, or to take off or diminish such existing countervailing duties as may appear, on like principles, to be just and reasonable in respect of any future or additional internal duty on any article of the growth, produce, or manufacture of either country, or of any new or additional duty on any materials of which such article may be composed, or of any abatement of duty on the same; and that when any such new or additional countervailing duty shall be so

Articles of the produce or manufacture of either country, subject to internal duty, or to duty on the materials, may be subjected on importation into each country to countervailing duties, and upon their export a drawback of the duty shall be allowed.

40 Geo. III, c. 67.

imposed on the import of any article into either country from the other, a drawback, equal in amount to such countervailing duty, shall be given in like manner on the export of every such article respectively from the same country to the other:

Articles the produce or manufacture of either country when exported through the other, shall be subject to the same charges as if exported directly from the country of which they were the produce or manufacture.

That all articles, the growth, produce, or manufacture of either country, when exported through the other, shall in all cases be exported subject to the same charges as if they had been exported directly from the country of which they were the growth, produce or manufacture:

Duty on the import of foreign or colonial goods into either country shall be drawn back, or if any be retained shall be credited to the country to which exported, so long as the expenditure of the united kingdom shall be defrayed by proportional contributions, act not to take away any duty, bounty, or prohibition with respect to corn, &c., which may be regulated as the united Parliament shall deem expedient.

That all duty charged on the import of foreign or colonial goods into either country shall, on their export to the other, be either drawn back, or the amount (if any be retained), shall be placed to the credit of the country to which they shall be so exported, so long as the expenditure of the united kingdom shall be defrayed by proportional contributions: provided always, That nothing herein shall extend to take away any duty, bounty, or prohibition, which exists with respect to corn, meal, malt, flour, or biscuit; but that all duties, bounties, or prohibitions, on the said articles, may be regulated, varied, or repealed, from time to time, as the united Parliament shall deem expedient.

SCHEDULE, (1).

Of the articles to be charged with countervailing duties upon importation from *Ireland* into *Great Britain*, and from *Great Britain* into *Ireland*, respectively, according to the sixth article of Union.

A.

On importation into *Great Britain* from *Ireland*.

ARTICLES.	Customs. £.	s.	d.	Excise. £.	s.	d.
BEER.—For every barrel consisting of thirty-six gallons, *English* beer measure, of *Irish* beer, ale, or mum, which shall be imported into *Great Britain* directly from *Ireland*, and so on in proportion for any greater or less quantity, to be paid by the importer thereof	0	0	0	0	8	0
BRICKS and TILES.—For every thousand of *Irish* bricks	0	0	0	0	5	0
For every thousand of *Irish* plain tiles	0	0	0	0	4	10
For every thousand of *Irish* pan or ridge tiles	0	0	0	0	12	10
For every hundred of *Irish* paving tiles, not exceeding ten inches square	0	0	0	0	2	5
For every hundred of *Irish* paving tiles exceeding ten inches square	0	0	0	0	4	10
For every thousand of *Irish* tiles, other than such as are hereinbefore enumerated and described, by whatsoever name or names such tiles are or may be called or known	0	0	0	0	4	10

ARTICLES.	Customs. £.	s.	d.	Excise. £.	s.	d.
CANDLES.—For every pound weight avoirdupois of *Irish* candles of tallow, and other candles whatsoever (except wax and spermaceti)	0	0	0	0	0	1
For every pound weight avoirdupois of *Irish* candles, which may be made of wax or spermaceti, or which are usually called or sold either for wax or spermaceti, notwithstanding the mixture of any other ingredient therewith	0	0	0	0	0	3½
CHOCOLATE, *&c.*—For every pound weight avoirdupois of *Irish* cocoa, cocoa paste, or chocolate	0	0	0	0	2	0
CORDAGE; *videlicet.*—To be used as standing rigging or other cordage made from topt hemp, the ton, containing twenty hundred weight	4	10	3	0	0	0
Of any other sort, cable yarn, packthread, and twine, the ton, containing twenty hundred weight	4	4	4	0	0	0
CYDER and PERRY.—For every hogshead, consisting of sixty-three gallons *English* wine measure, of *Irish* cyder and perry, which shall be imported as merchandize or for sale, and which shall be sent or consigned to any factor or agent to sell or dispose of	0	0	0	0	19	2
GLASS.—For every square foot superficial measure of *Irish* plate glass	0	0	0	0	2	2¼
For every hundred weight of *Irish* flint enamel, stained, paste, or phial glass	0	0	0	2	3	6
For every hundred weight of *Irish* spread window glass, commonly called *Broad Glass*	0	0	0	0	8	1
For every hundred weight of *Irish* window glass (not being spread glass) whether flashed or otherwise manufactured, and commonly called or known by the name of *Crown Glass*, or *German Sheet Glass*	0	0	0	1	9	9
For every hundred weight of vessels made use of in chemical laboratories, and of garden glasses, and of all other vessels or utensils of common bottle metal, manufactured in *Ireland*, common bottles excepted	0	0	0	0	4	0½
For every hundred weight of any sort or species of *Irish* glass, not hereinbefore enumerated or described	0	0	0	2	2	0
Bottles of common green glass, the dozen quarts	0	0	9	0	0	0
HOPS.—For every pound weight of avoirdupois of *Irish* hops	0	0	0	0	0	1$\frac{13}{20}$
LEATHER, unmanufactured.—For every pound weight avoirdupois of hides, of what kind soever, and of calf skins, kips, hog skins, dog skins, and seal skins, tanned in *Ireland*, and of sheep skins and lamb skins so tanned for gloves and bazils, which shall be imported in the whole hide or skin, and neither cut nor diminished in any respect whatever	0	0	0	0	0	1½
For every dozen of goat skins tanned in *Ireland* to resemble *Spanish* leather	0	0	0	0	4	0
For every dozen of sheep skins tanned in *Ireland* for roans, being after the nature of *Spanish* leather	0	0	0	0	2	3
For every pound weight avoirdupois of all other hides or skins not hereinbefore enumerated and						

ARTICLES.	Customs. £.	s.	d.	Excise. £.	s.	d.
described, and of all pieces and parts of hides or skins which shall be tanned in *Ireland*	0	0	0	0	0	6
For all hides of horses, mares, and geldings, which shall be dressed in allum and salt or meal, or otherwise tawed in *Ireland*, for each and every such hide	0	0	0	0	1	6
For all hides of steers, cows, or any other hides of what kind soever (those of horses, mares, and geldings excepted) which shall be dressed in allum and salt, or meal, or otherwise tawed in *Ireland*, for each and every such hide	0	0	0	0	3	0
For every pound weight avoirdupois of all calf skins, kips, and seal skins, which shall be so dressed in allum and salt, or meal, or otherwise tawed in *Ireland*, and imported into *Great Britain*, in the whole skin, neither cut nor diminished in any respect whatever	0	0	0	0	0	1½
For every dozen of slink calf skins which shall be so dressed in allum and salt, or meal, or otherwise tawed with the hair on, in *Ireland*	0	0	0	0	3	0
For every dozen of slink calf skins which shall be so dressed in allum and salt, or meal, or otherwise tawed without hair, in *Ireland*, and for every dozen of dog skins and kid skins, which shall be dressed in allum and salt, or meal, or otherwise tawed in *Ireland*	0	0	0	0	1	0
For every pound weight avoirdupois of buck and doe skins, which shall be dressed in allum and salt, or meal, or otherwise tawed in *Ireland*, and which shall be imported in the whole skin, and neither cut nor diminished in any respect whatever	0	0	0	0	0	
For every dozen of goat skins and beaver skins, which shall be dressed in allum and salt, or meal, or otherwise tawed in *Ireland*	0	0	0	0	2	0
For every pound weight avoirdupois of sheep skins and lamb skins, which shall be dressed in allum and salt, or meal, or otherwise tawed in *Ireland*, and which shall be imported in the whole skin, and neither cut nor diminished in any respect whatever	0	0	0	0	0	1½
For every pound weight avoirdupois of all other hides and skins, not hereinbefore enumerated and described, and of all pieces or parts of hides or skins, which shall be dressed in allum and salt, or meal, or otherwise tawed in *Ireland*	0	0	0	0	0	6
For every pound weight avoirdupois of all buck, deer, and elk skins, which shall be dressed in oil in *Ireland*, and imported in the whole skin, and neither cut nor diminished in any respect whatever	0	0	0	0	1	0
For every pound weight avoirdupois of all sheep and lamb skins, which shall be dressed in oil in *Ireland*	0	0	0	0	0	3
For every pound weight avoirdupois of all other hides and skins, and parts and pieces of hides and skins, which shall be dressed in oil in *Ireland*	0	0	0	0	0	6
For every dozen of *Irish* vellum	0	0	0	0	3	5½
For every dozen of *Irish* parchment	0	0	0	0	1	8¾

ARTICLES.	Customs. £.	s.	d.	Excise. £.	s.	d.
LEATHER, manufactured into goods and wares: For every pound weight avoirdupois of tanned leather, manufactured and actually made into goods or wares in *Ireland*	0	0	0	0	0	1½
For every pound weight avoirdupois of *Irish* made boots and shoes, and gloves, and other manufactures made of tawed or dressed leather	0	0	0	0	0	1
For every pound weight avoirdupois of all buck and deer skins, and elk skins, dressed in oil and manufactured into goods and wares in *Ireland*	0	0	0	0	1	0
For every pound weight avoirdupois of all sheep and lamb skins, dressed in oil and manufactured into goods or wares in *Ireland*	0	0	0	0	0	3
For every pound weight avoirdupois of all other hides and skins, not hereinbefore enumerated or described, dressed in oil and manufactured into goods and wares in *Ireland*	0	0	0	0	0	6
MEAD or METHEGLIN.—For every gallon, *English* wine measure, of *Irish* mead or metheglin	0	0	0	0	1	0½
PAPER.—For every pound weight avoirdupois of *Irish* paper, fit or proper, or that may be used for or applied to the uses or purposes of writing, drawing, and printing, or either of them, and of all *Irish* elephant papers and cartridge papers	0	0	0	0	0	2½
For every pound weight avoirdupois of *Irish* coloured papers and whited brown papers (other than and except elephant and cartridge papers) fit and proper for the use and purpose of wrapping up goods, and not fit or proper or capable of being used for or applied to the purposes of writing, drawing, and printing, or either of them	0	0	0	0	0	1
For every pound weight avoirdupois of *Irish* brown paper, fit and proper for the use and purpose of wrapping up goods, and not fit or proper or capable of being used for or applied to the uses and purposes of writing, drawing, and printing, or either of them	0	0	0	0	0	0½
For every pound weight avoirdupois of every sort or kind of *Irish* paper, not hereinbefore enumerated or described, sheathing, and button paper and button board excepted	0	0	9	0	0	2½
For every one hundred weight of *Irish* pasteboard, millboard, and scaleboard	0	0	0	0	10	6
For every one hundred weight of *Irish* glazed papers for clothiers and hot pressers	0	0	0	0	6	0
For every pound weight avoirdupois of books, bound or unbound, and of maps or prints, which shall be imported into *Great Britain* directly from *Ireland*	0	0	0	0	0	2
PRINTED GOODS.—For every yard square of *Irish* printed, painted, or stained papers, to serve for hangings, or other uses	0	0	0	0	0	1¼
For every yard in length, reckoning yard wide, of foreign callicoes and foreign muslins, which shall be printed, stained, or dyed in *Ireland* (except such as shall be dyed throughout of one						

ARTICLES.	Customs. £.	s.	d.	Excise. £.	s.	d.
colour), over and above any duty of customs payable on the importation of foreign callicoes and muslins	0	0	0	0	0	7
For every yard in length, reckoning yard wide, of all *Irish* printed, painted, stained, or dyed *Irish*-made callicoes, muslins, linens, and stuffs, made either of cotton or linen, mixed with other materials, fustians, velvets, velverets, dimities, and other figured stuffs, made of cotton and other materials, mixed or wholly made of cotton wool (except such as shall be dyed throughout of one colour only)	0	0	0	0	0	3½
For every yard in length, reckoning yard wide, of all *Irish* printed, stained, painted, or dyed *Irish*-made stuffs not before enumerated or described (except such as shall be dyed throughout of one colour only and except stuffs made of woollen, or whereof the greatest part in value shall be woollen)	0	0	0	0	0	3½
For every yard in length, reckoning half yard wide, of all *Irish* printed, stained, painted, or dyed silks, (silk handkerchiefs excepted) over and above any duty of customs payable on the importation of silk	0	0	0	0	1	1¾
For every yard square of *Irish* printed, stained, or dyed silk handkerchiefs, and so in proportion for wide or narrow silk handkerchiefs, over and above every duty of customs payable on silk	0	0	0	0	0	4½
SALT.—For every bushel, consisting of fifty-six pounds weight avoirdupois, of *Irish* salt, or *Irish Glauber* or *Irish Epsom* salt	0	0	0	0	10	0
For every bushel, consisting of sixty-five pounds weight avoirdupois, of *Irish* rock salt	0	0	0	0	10	0
SILK.—Manufactures of ribbons and stuffs of silk only, the pound, containing sixteen ounces	0	5	0			
Note.—Two thirds of the weight of gauze and one third of the weight of crape, is to be deducted for gum and dress.						
Silk and ribbons of silk, mixed with gold or silver, the pound, containing sixteen ounces	0	6	8			
Silk stockings, silk gloves, silk fringe, silk laces, stitching or sewing silk, the pound containing sixteen ounces	0	3	0			
Silk, manufactures of, not otherwise enumerated or described, the pound, containing sixteen ounces	0	4	0			
Stuffs of silk and grogram yarn, the pound containing sixteen ounces	0	1	2			
Stuffs of silk mixed with incle or cotton, the pound, containing sixteen ounces	0	1	8			
Stuffs of silk and worsted, the pound, containing sixteen ounces	0	0	10			
Stuffs of silk mixed with any other material, the pound, containing sixteen ounces	0	1	3			
SOAP.—For every pound weight avoirdupois of *Irish* hard, cake, or ball soap	0	0	0	0	0	2½
For every pound weight of *Irish* soft soap	0	0	0	0	0	1¼

ARTICLES.	Customs. £.	s.	d.	Excise. £.	s.	d.
SPIRITS, British.—For every gallon, *English* wine measure, of spirits, *aqua vitæ*, or strong which shall be distilled or made in *Ireland*, and imported at a strength not exceeding one to ten over hydrometer proof	0	0	0	0	5	1¼
Note.—Spirits above the strength of one to ten will be charged in proportion; and on sweetened or compounded spirits, the duty will be computed upon the highest degree of strength at which such spirits can be made.						
STARCH.—For every pound weight of *Irish* starch or hair powder, of what kind soever	0	0	0	0	0	3¼
SUGARS.—Refined; *videlicet*, called *Bastards*, whole or ground, the hundred weight	0	18	2			
Lumps, the hundred weight	1	14	0¾			
Single loaf, the hundred weight	1	16	4			
Powder loaf and double loaf, the hundred weight	1	19	1			
Sugar candy, brown, the hundred weight	1	14	0¾			
Sugar candy, white, the hundred weight	1	19	1			
Sugar, refined, of any other sort, the hundred weight	1	19	1	0	0	0
SWEETS.—For every barrel, consisting of thirty-one gallons and a half, *English* wine measure, of *Irish* sweets, or other *Irish* liquor, made by infusion, fermentation, or otherwise, from fruit or sugar, or from fruit or sugar mixed with any other materials or ingredients whatsoever, commonly called *Sweets*, or called or distinguished by the name of *Made Wines*	0	0	0	2	2	0
TOBACCO and SNUFF.—For every pound weight avoirdupois of unmanufactured tobacco, of the growth or produce of *Ireland*, over and above any duty of customs	0	0	0	0	1	1
For every pound weight avoirdupois of *Irish* manufactured short cut tobacco, or tobacco manufactured into what is commonly called or known by the name of *Spanish*	0	0	0	0	1	7
For every pound weight avoirdupois of *Irish* manufactured shag tobacco	0	0	0	0	1	3¾
For every pound weight avoirdupois of *Irish* manufactured roll tobacco	0	0	0	0	1	7
For every pound weight avoirdupois of *Irish* manufactured carrot tobacco	0	0	0	0	1	5½
For every pound weight avoirdupois of every other sort of *Irish* manufactured tobacco, not hereinbefore enumerated or described	0	0	0	0	1	7
For every pound weight avoirdupois of *Irish* manufactured rappee snuff	0	0	0	0	1	4½
For every pound weight avoirdupois of *Irish* manufactured *Scotch* snuff	0	0	0	0	1	10½
For every pound weight avoirdupois of *Irish* manufactured brown *Scotch* snuff	0	0	0	0	1	5¾
For every pound weight avoirdupois of *Irish* manufactured tobacco stalk flour	0	0	0	0	1	9
For every pound weight avoirdupois of every other sort or kind of *Irish* manufactured snuff, or snuff work, not hereinbefore enumerated or described	0	0	0	0	1	10½
Tobacco unmanufactured, the pound	0	0	6$\frac{1}{20}$	0	0	0

ARTICLES.	Customs. £.	s.	d.	Excise. £.	s.	d.
VERJUICE.—For every hogshead consisting of sixty-three gallons *English* wine measure, of *Irish* verjuice	0	0	0	0	7	8
VINEGAR.—For every barrel consisting of thirty-four gallons, *English* beer measure, of *Irish* vinegar	0	0	0	0	12	1¼
WIRE.—For every ounce troy weight of *Irish* gilt wire	0	0	0	0	9	9¼
For every ounce troy of *Irish* silver wire	0	0	0	0	0	7
For every pound weight avoirdupois of *Irish* gold thread, gilt lace, or gold fringe, made of plate wire spun upon silk	0	0	0	0	7	8
For every pound weight avoirdupois of *Irish* silver thread, silver lace, or silver fringe, made of plate wire spun upon silk	0	0	0	0	5	9

B.

On importation into *Ireland* from *Great Britain.*

BEER.—For and upon every barrel containing thirty-two gallons, imported from *Great Britain*				0	4	6
GLASS BOTTLES.—For and upon each reputed quart				0	0	0¼
LEATHER, unmanufactured.—For and upon each pound in every hide or skin, or piece of any such hide or skin of what kind or denomination soever, other than such as hereinafter mentioned and described				0	0	1
For and upon each hide of horses, mares, or geldings				0	1	0
For and upon all skins called veal skins, and all skins of hogs, for every dozen skins thereof, and after the same rate for any greater or less quantity				0	5	0
For and upon all skins for shoes and other like purposes, and all seal skins, for every dozen thereof, and after the same rate for any greater or less quantity				0	2	6
For and upon all skins for bookbinders use, for every dozen thereof, and after the same rate for any greater or less quantity				0	1	0
For and upon all goat skins tanned with shumack, or otherwise to resemble *Spanish* leather, and all sheep skins tanned for roans, being after the nature of *Spanish* leather, for every pound weight avoirdupois				0	0	1
For and upon all sheep and lamb skins tanned for gloves and basils, for every pound weight avoirdupois, and so in proportion for any greater or less quantity				0	0	0½
LEATHER, dressed in oil.—For and upon every hide and skin, and piece of such hide and skin, other than such as are herein-after mentioned or described, for every pound weight avoirdupois				0	0	2
For and upon all deer skins, goat skins, and beaver skins, for every pound weight thereof avoirdupois				0	0	3
For and upon all calf skins, for every pound weight thereof avoirdupois				0	0	2
For and upon all sheep and lamb skins, for every pound weight avoirdupois				0	0	0½
VELLUM and PARCHMENT.—For and upon every dozen skins of vellum				0	0	6

ARTICLES.	£	s.	d.
For and upon every dozen skins of parchment	0	0	3
LEATHER, manufactured into goods and wares.—For and upon all tanned leather manufactured into goods and wares, whereof leather is the most valuable part, the following duties; *videlicet*,			
For and upon every pound weight avoirdupois of tanned leather, manufactured and actually made into goods and wares in *Great Britain*, of leather only, or of which leather makes the most valuable part	0	0	1
For and upon every pound weight avoirdupois of tawed or dressed leather, manufactured and actually made in *Great Britain*, of leather only, or of which leather makes the most valuable part	0	0	1
For and upon every pound weight avoirdupois of all buck and deer skins, and elk skins, dressed in oil, and manufactured into goods and wares in *Great Britain*, of leather only, or of which leather makes the most valuable part	0	0	3
For and upon every pound weight avoirdupois of all sheep and lamb skins dressed in oil, and manufactured into goods and wares in *Great Britain*, of leather only, or of which leather makes the most valuable part	0	0	0¼
For and upon every pound weight avoirdupois of all other hides and skins, not herein-before enumerated or described, dressed in oil, and manufactured into goods and wares in *Great Britain*, of leather only, or of which leather makes the most valuable part	0	0	2
PAPER.—For and upon every pound weight avoirdupois of paper, fit or proper for, or that may be used for or applied to the uses or purposes of writing, drawing, or printing, or either of them, and all elephant paper, and all cartridge paper	0	0	2½
For every pound weight avoirdupois of all coloured paper, and whited-brown papers, other than and except elephant and cartridge paper, fit or proper for the uses or purposes of wrapping up goods, and not fit or proper, or capable of being used for or applied to the uses or purposes of writing, drawing, or printing, or either of them, and also except paper hangings	0	0	1
For every pound weight avoirdupois of brown paper, fit and proper for the use or purpose of wrapping up goods, and not fit or proper or capable of being used for or applied to the uses or purposes of writing, drawing, or printing, or either of them	0	0	0½
For and upon every one hundred weight of glazed paper for clothiers and hot-pressers, and so in proportion for any greater or less quantity	0	5	0
For and upon every one hundred weight of pasteboard, mill-board, and scaleboard, and so in proportion for any greater or less quantity	0	10	0
For and upon every pound weight of every sort or kind of paper, not hereinbefore particularly enumerated or described, other than and except papers commonly called or known by the names of *Sheathing Paper, and Button Paper or Button Board*, and *Paper Hangings*	0	0	2½
STAINED PAPER.—For and upon every square yard of printed, painted, or stained paper, for hangings or other uses, and so in proportion for any greater or less quantity	0	0	1
For and upon every pound weight avoirdupois of books bound or unbound, and of maps or prints, which shall be imported into *Ireland* from *Great Britain*	0	0	2
CARDS.—For and upon every pack of printed, painted, or			

ARTICLES.	£.	s.	d.
playing cards, made or manufactured in *Great Britain*	0	1	5
And a further duty of 2½*d. per* pound weight.			
DICE.—For and upon every pair of dice made or manufactured in *Great Britain*	0	10	0
WROUGHT PLATE.—For and upon every ounce troy weight of gold or silver plate, which shall be wrought, made, or manufactured in *Great Britain*, and imported into *Ireland*	0	0	6
SILK MANUFACTURE.—For and upon all silks being of the manufacture of *Great Britain*, and imported directly from thence, the following duties; *videlicet*,			
For and upon all ribbons and stuffs of silks only, for every pound weight thereof containing sixteen ounces	0	2	1
For and upon all silk and ribbons of silk, mixed with gold or silver, for every pound weight thereof containing sixteen ounces	0	2	9
For and upon all silk stockings, silk gloves, silk fringe, silk laces, stitching and sewing silk, for every pound weight thereof containing sixteen ounces	0	1	3
For and upon all manufactures of silk not otherwise enumerated or described, for every pound weight thereof containing sixteen ounces	0	1	8
For and upon all stuffs of silk and grogram yarn, the pound weight containing sixteen ounces	0	0	6
For and upon all stuffs of silk mixed with incle or cotton, the pound weight containing sixteen ounces	0	0	9
For and upon all stuffs of silk and worsted mixed, the pound weight containing sixteen ounces	0	0	4
For and upon all stuffs of silk mixed with any other material, the pound weight containing sixteen ounces	0	0	6½
SPIRITS.—For and upon every gallon of spirits, being of the manufacture of *Great Britain*, and imported from thence, a duty of	0	3	7
SUGAR, Refined—of the manufacture of *Great Britain*, and imported directly from thence, the following duties; *videlicet*,			
For and upon all sugar called *Bastards*, white or ground, the hundred weight containing 112 pounds	0	19	8
For and upon all sugar called *Lumps*, the hundred weight containing 112 pounds	1	16	10¾
For and upon all sugar called *Single Loaf Sugar*, the hundred weight containing 112 pounds	1	19	4
For and upon all sugar called *Powder Loaf* and *Double Loaf*, the hundred weight containing 112 pounds	2	2	4
For and upon all sugar called *Sugar Candy*, brown, the hundred weight containing 112 pounds	1	16	10
For and upon all sugar called *Sugar Candy*, white, the hundred weight containing 112 pounds	2	2	4
For and upon all sugar refined of any other sort, the hundred weight containing 112 pounds	2	2	4
SWEETS.—For and upon every barrel, containing thirty-two gallons wine measure, of *British* sweets, or other *British* liquor made by infusion, fermentation, or otherwise, from fruit or sugar, or from fruit and sugar mixed with any other material or ingredients whatsoever, commonly called *Sweets*, or called or distinguished by the name of *Made Wines*	0	10	0
For and upon every gallon of mead or metheglin	0	0	4
For and upon every barrel, containing thirty-two gallons, of vinegar	0	3	0
TOBACCO and SNUFF.—For and upon every pound weight avoirdupois of unmanufactured tobacco, of the growth or produce of *Great Britain*, over and above any duty of customs now payable	0	0	5

ARTICLES.	£.	s.	d.
For and upon every pound weight of *British* manufactured short cut tobacco, or tobacco manufactured into what is commonly called or known by the name of *Spanish*	0	1	$0\frac{7}{10}$
For and upon every pound weight of *British* manufactured shag tobacco cut	0	0	11
For and upon every pound weight of *British* manufactured roll tobacco	0	1	$0\frac{7}{10}$
For and upon every pound weight of *British* manufactured carrot tobacco	0	0	11
For and upon every pound weight of every other sort of *British* manufactured tobacco not herein-before enumerated or described	0	1	$0\frac{7}{10}$
For and upon every pound weight avoirdupois of *British* manufactured rappee snuff	0	0	$10\frac{1}{4}$
For and upon every pound weight of *British* manufactured snuff called *Scotch Snuff*	0	1	4
For and upon every pound weight of *British* manufactured snuff called *Brown Scotch Snuff*	0	0	$9\frac{3}{4}$
For and upon every pound weight of *British* manufactured stalk flour	0	1	3
For and upon every pound weight of every other sort or kind of *British* manufactured snuff, or snuff work, not herein-before enumerated or described	0	1	4

SCHEDULE (2).

Of the articles charged with the duties specified upon importation into *Great Britain* and *Ireland* respectively, according to the sixth article of Union.

Apparel
Brass, wrought
Cabinet ware
Coaches and other carriages
Copper, wrought
Cotton, other than calicoes and muslins
Glass
Haberdashery
Hats
Tin plates, wrought iron and hard ware
Gold and silver lace, gold and silver thread, bullion for lace, pearl, and spangles
Millinery
Paper stained
Pottery
Saddlery and other manufactured leather
Silk manufacture
Stockings

} 10*l. per cent.* on the true value.

ARTICLE VII.

That it be the seventh article of Union, that the charge arising from the payment of the interest, and the sinking fund for the reduction of the principal, of the debt incurred in either kingdom before the Union, shall continue to be separately defrayed by *Great Britain* and *Ireland* respectively, except as herein-after provided:

The interest and the sinking fund for reduction of the debt of either kingdom, shall continue to be defrayed separately.

That for the space of twenty years after the Union shall take place, the contribution of *Great Britain* and *Ireland* respectively, towards the expenditure of the united kingdom in each year, shall be defrayed in the proportion of fifteen parts for *Great Britain* and two parts for *Ireland*; and that at the expiration of the said twenty years, the future expenditure of the united kingdom (other than the interest and charges of the debt to which either country shall be separately liable) shall be defrayed in such

The expenditure of the united kingdom to be defrayed and provided for as herein specified.

40 Geo. III. c. 67.

proportion as the Parliament of the united kingdom shall deem just and reasonable upon a comparison of the real value of the exports and imports of the respective countries, upon an average of the three years next preceding the period of revision; or on a comparison of the value of the quantities of the following articles consumed within the respective countries on a similar average; *videlicet*, beer, spirits, sugar, wine, tea, tobacco, and malt; or according to the aggregate proportion resulting from both these considerations combined; or on a comparison of the amount of income in each country, estimated from the produce for the same period of a general tax, if such shall have been imposed on the same descriptions of income in both countries; and that the Parliament of the united kingdom shall afterwards proceed in like manner to revise and fix the said proportions according to the same rules, or any of them, at periods not more distant than twenty years, nor less than seven years from each other; unless, previous to any such period, the Parliament of the united kingdom shall have declared, as herein-after provided, that the expenditure of the united kingdom shall be defrayed indiscriminately, by equal taxes imposed on the like articles in both countries: that, for the defraying the said expenditure according to the rules above laid down, the revenues of *Ireland* shall hereafter constitute a consolidated fund, which shall be charged, in the first instance, with the interest of the debt of *Ireland*, and with the sinking fund applicable to the reduction of the said debt, and the remainder shall be applied towards defraying the proportion of the expenditure of the united kingdom, to which *Ireland* may be liable in each year: that the proportion of contribution to which *Great Britain* and *Ireland* will be liable, shall be raised by such taxes in each country respectively, as the Parliament of the united kingdom shall from time to time deem fit: Provided always, That in regulating the taxes in each country, by which their respective proportions shall be levied, no article in *Ireland* shall be made liable to any new or additional duty, by which the whole amount of duty payable thereon would exceed the amount which will be thereafter payable in *England* on the like article: that, if at the end of any year any surplus shall accrue from the revenues of *Ireland*, after defraying the interest, sinking fund, and proportional contribution and separate charges to which the said country shall then be liable, taxes shall be taken off to the amount of such surplus, or the surplus shall be applied by the Parliament of the united kingdom to local purposes in *Ireland*, or to make good any deficiency which may arise in the revenues of *Ireland* in time of peace, or be invested, by the commissioners of the national debt of *Ireland*, in the funds, to accumulate for the benefit of *Ireland* at compound interest, in case of the contribution of *Ireland* in time of war; provided that the surplus so to accumulate shall at no future period be suffered to exceed the sum of five millions: that all monies to be raised after the union, by loan, in peace or war, for the service of the united kingdom by the Parliament thereof, shall be considered to be a joint debt, and the charges thereof shall be borne by the respective countries in the proportion of their respective contributions; provided that, if at any time, in raising their respective contributions hereby fixed for each country, the Parliament of the united kingdom shall judge it fit to raise a greater proportion of such respective contributions in one country within the year than in the other, or to set apart a greater proportion of sinking fund for the liquidation of the whole or any part of the loan raised on account of the one country than of that raised on account of the other country, then such part of the said loan, for the liquidation of which different provisions shall have been made for the respective countries, shall be kept distinct, and shall be borne by each separately, and only that part of the said loan be deemed joint and common, for the reduction of which the respective countries shall have made provision in the proportion of their respective contributions: that if at any future day the separate debt of each country respectively shall have been liquidated, or, if the values of their respective debts (estimated according to the amount of the interest and annuities attending the same, and of the sinking fund applicable to the reduction thereof, and to the period within which the whole capital of such debt shall appear to be re-

deemable by such sinking fund) shall be to each other in the same proportion with the respective contributions of each country respectively; or if the amount by which the value of the larger of such debts shall vary from such proportion, shall not exceed one hundredth part of the said value; and if it shall appear to the Parliament of the united kingdom, that the respective circumstances of the two countries, will thenceforth admit of their contributing indiscriminately, by equal taxes imposed on the same articles in each, to the future expenditure of the united kingdom, it shall be competent to the Parliament of the united kingdom to declare, that all future expence thenceforth to be incurred, together with the interest and charges of all joint debts contracted previous to such declaration, shall be so defrayed indiscriminately by equal taxes imposed on the same articles in each country, and thenceforth from time to time, as circumstances may require, to impose and apply such taxes accordingly, subject only to such particular exemptions or abatements in *Ireland*, and in that part of *Great Britain* called *Scotland*, as circumstances may appear from time to time to demand: that, from the period of such declaration, it shall no longer be necessary to regulate the contribution of the two countries towards the future expenditure of the united kingdom, according to any specific proportion, or according to any of the rules herein-before prescribed; provided nevertheless, that the interest or charges which may remain on account of any part of the separate debt with which either country shall be chargeable, and which shall not be liquidated or consolidated proportionably as above, shall, until extinguished, continue to be defrayed by separate taxes in each country: that a sum, not less than the sum which has been granted by the Parliament of *Ireland* on the average of six years immediately preceding the first day of *January* in the year one thousand eight hundred, in premiums for the internal encouragement of agriculture or manufactures, or for the maintaining institutions for pious and charitable purposes, shall be applied, for the period of twenty years after the union, to such local purposes in *Ireland*, in such manner as the Parliament of the united kingdom shall direct: that, from and after the first day of *January* one thousand eight hundred and one, all public revenue arising to the united kingdom from the territorial dependencies thereof, and applied to the general expenditure of the united kingdom, shall be so applied in the proportions of the respective contributions of the two countries.

ARTICLE VIII.

All laws in force at the union, and all courts of jurisdiction within the respective kingdoms, shall remain, subject to such alterations as may appear proper to the united Parliament.

All appeals to be finally decided by the peers of the united kingdom.

That it be the eighth article of Union, That all laws in force at the time of the Union, and all the courts of civil and ecclesiastical jurisdiction within the respective kingdoms, shall remain as now by law established within the same, subject only to such alterations and regulations from time to time as circumstances may appear to the Parliament of the united kingdom to require; provided that all writs of error and appeals, depending at the time of the Union or hereafter to be brought, and which might now be finally decided by the House of Lords of either kingdom, shall, from and after the Union, be finally decided by the House of Lords of the united kingdom; and provided, That, from and after the Union, there shall remain in *Ireland* an instance court of admiralty, for the determination of causes, civil and maritime only, and that the appeal from sentences of the said court shall be to his Majesty's delegates in his court of chancery in that part of the united kingdom called *Ireland;* and that all laws at present in force in either kingdom, which shall be contrary to any of the provisions which may be enacted by any act for carrying these articles into effect, be from and after the Union repealed.

There shall remain in Ireland a court of admiralty, and appeals therefrom shall be to the delegates in chancery there. All laws contrary to the provisions enacted for carrying these articles into effect to be repealed.

40 Geo. III. c. 67.

His Majesty having been pleased to approve of the foregoing articles, it is enacted, That they shall be the articles of union, and be in force for ever, from Jan. 1, 1801; provided that before that period an Act shall have been passed in Ireland for carrying them into effect.

And whereas the said articles having, by address of the respective houses of Parliament in *Great Britain* and *Ireland*, been humbly laid before his Majesty, his Majesty has been graciously pleased to approve the same; and to recommend it to his two houses of Parliament in *Great Britain* and *Ireland* to consider of such measures as may be necessary for giving effect to the said articles: in order, therefore, to give full effect and validity to the same, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That the said foregoing recited articles, each and every one of them, according to the true import and tenor thereof, be ratified, confirmed, and approved, and be and they are hereby declared to be the articles of the union of *Great Britain* and *Ireland*, and the same shall be in force and have effect for ever, from the first day of *January* which shall be in the year of our Lord one thousand eight hundred and one; provided that before that period an Act shall have been passed by the Parliament of *Ireland*, for carrying into effect, in the like manner, the said foregoing recited articles.

Recital of an Act of the Parliament of Ireland to regulate the mode by which the lords and the commons, to serve in the Parliament of the united kingdom on the part of Ireland, shall be summoned and returned.

II. And whereas an Act, intituled, *An Act to regulate the mode by which the Lords Spiritual and Temporal, and the Commons, to serve in the Parliament of the United Kingdom on the part of* Ireland, *shall be summoned and returned to the said Parliament*, has been passed by the Parliament of *Ireland*, the tenor whereof is as follows: *An Act to regulate the Mode by which the Lords Spiritual and Temporal, and the Commons to serve in the Parliament of the United Kingdom on the part of* Ireland, *shall be summoned and returned to the said Parliament.* Whereas it is agreed by the fourth article of union, That four lords spiritual of *Ireland*, by rotation of sessions, and twenty-eight lords temporal of *Ireland*, elected for life by the peers of *Ireland*, shall be the number to sit and vote on the part of *Ireland* in the house of lords of the Parliament of the united kingdom; and one hundred commoners (two for each county of *Ireland*, two for the city of *Dublin*, two for the city of *Cork*, one for the college of the Holy Trinity of *Dublin*, and one for each of the thirty-one most considerable cities, towns, and boroughs) be the number to sit and vote on the part of *Ireland* in the house of commons of the Parliament of the united kingdom; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by authority of the same, That the said four lords spiritual shall be taken from among the lords spiritual of *Ireland* in the manner following; that is to say, That one of the four archbishops of *Ireland*, and three of the eighteen bishops of *Ireland*, shall sit in the house of lords of the united Parliament in each session thereof, the said right of sitting being regulated as between the said archbishops respectively by a rotation among the archiepiscopal sees from session to session, and in like manner that of the bishops by a like rotation among the episcopal sees: That the primate of all *Ireland* for the time being shall sit in the first Session of the Parliament of the united kingdom, the archbishop of *Dublin* for the time being in the second, the archbishop of *Cashel* for the time being in the third, the archbishop of *Tuam* for the time being in the fourth, and so by rotation of sessions for ever, such rotation to proceed regularly and without interruption from session to session, notwithstanding any dissolution or expiration of Parliament: that three suffragan bishops shall in like manner sit according to rotation of their sees, from session to session, in the following order; the lord bishop of *Meath*, the lord bishop of *Kildare*, the lord bishop of *Derry*, in the first Session of the Parliament of the united kingdom; the lord bishop of *Raphoe*, the lord bishop of *Limerick*, *Ardfert*, and *Aghadoe*, the lord bishop of *Dromore*, in the second Session of the Parliament of the united kingdom; the lord bishop of *Elphin*, the lord bishop of *Down* and *Connor*, the lord bishop of *Waterford* and *Lismore*, in the third Session of the Parliament of the united kingdom; the lord bishop of *Leighlin* and *Ferns*, the lord bishop of *Cloyne*, the lord bishop of *Cork* and *Ross*, in the fourth Session of the Parliament of the united kingdom; the lord bishop of *Killaloe* and *Kilfenora*, the lord bishop of *Kilmore*, the

lord bishop of *Clogher*, in the fifth Session of the Parliament of the united kingdom; the lord bishop of *Ossory*, the lord bishop of *Killala* and *Achonry*, the lord bishop of *Clonfert* and *Kilmacduagh*, in the sixth Session of the Parliament of the united kingdom; the said rotation to be nevertheless subject to such variation therefrom from time to time as is herein-after provided: that the said twenty-eight lords temporal shall be chosen by all the temporal peers of *Ireland* in the manner herein-after provided; that each of the said lords temporal so chosen shall be entitled to sit in the house of lords of the Parliament of the united kingdom during his life; and in case of his death, or forfeiture of any of the said lords temporal, the temporal peers of *Ireland* shall, in the manner hereinafter provided, choose another peer out of their own number to supply the place so vacant. And be it enacted, That of the one hundred commoners to sit on the part of *Ireland* in the united Parliament, sixty-four shall be chosen for the counties, and thirty-six for the following cities and boroughs, *videlicet:* For each county of *Ireland* two; for the city of *Dublin* two; for the city of *Cork* two; for the college of the Holy Trinity of *Dublin* one; for the city of *Waterford* one; for the city of *Limerick* one; for the borough of *Belfast* one; for the county and town of *Drogheda* one; for the county and town of *Carrickfergus* one; for the borough of *Newry* one; for the city of *Kilkenny* one; for the city of *Londonderry* one; for the town of *Galway* one; for the borough of *Clonmell* one; for the town of *Wexford* one; for the town of *Youghall* one; for the town of *Bandon-Bridge* one; for the borough of *Armagh* one; for the borough of *Dundalk* one; for the town of *Kinsale* one; for the borough of *Lisburne* one; for the borough of *Sligo* one; for the borough of *Catherlough* one; for the borough of *Ennis* one; for the borough of *Dungarvan* one; for the borough of *Downpatrick* one; for the borough of *Coleraine* one; for the town of *Mallow* one; for the borough of *Athlone* one; for the town of *New Ross* one; for the borough of *Tralee* one; for the city of *Cashel* one; for the borough of *Dungannon* one; for the borough of *Portarlington* one; for the borough of *Enniskillen* one. And be it enacted, That in case of the summoning of a new Parliament, or if the seat of any of the said commoners shall become vacant by death or otherwise, then the said counties, cities, or boroughs, or any of them, as the case may be, shall proceed to a new election; and that all the other towns, cities, corporations, or boroughs, other than the aforesaid, shall cease to elect representatives to serve in Parliament; and no meeting shall at any time hereafter be summoned, called, convened, or held, for the purpose of electing any person or persons to serve or act, or be considered as representative or representatives of any other place, town, city, corporation, or borough, other than the aforesaid, or as representative or representatives of the freemen, freeholders, householders, or inhabitants thereof, either in the Parliament of the united kingdom or elsewhere, (unless it shall hereafter be otherwise provided by the Parliament of the united kingdom); and every person summoning, calling, or holding any such meeting or assembly, or taking any part in any such election or pretended election, shall, being thereof duly convicted, incur and suffer the pains and penalties ordained and provided by the statute of provision and præmunire, made in the sixteenth year of the reign of *Richard* the Second. For the due election of the persons to be chosen to sit in the respective houses of the Parliament of the united kingdom on the part of *Ireland*, be it enacted, That on the following day that on which the Act for establishing the Union shall have received the royal assent, the primate of all *Ireland*, the lord bishop of *Meath*, the lord bishop of *Kildare*, and the lord bishop of *Derry*, shall be, and they are hereby declared to be the representatives of the lords spiritual of *Ireland* in the Parliament of the united kingdom, for the first session thereof; and that the temporal peers of *Ireland* shall assemble at twelve of the clock on the same day as aforesaid, in the now accustomed place of meeting of the house of lords of *Ireland*, and shall then and there proceed to elect twenty-eight lords temporal to represent the peerage of *Ireland* in the Parliament of the united kingdom, in the following manner; that is to say, The names of the peers shall be called over according to their rank, by the clerk of the crown, or his deputy.

40 Geo. III. c. 67.

who shall then and there attend for that purpose; and each of the said peers, who, previous to the said day, and in the present Parliament shall have actually taken his seat in the house of lords of *Ireland*, and who shall there have taken the oaths, and signed the declaration, which are or shall be by law required to be taken and signed by the lords of the Parliament of *Ireland* before they can sit and vote in the Parliament hereof, shall, when his name is called, deliver, either by himself or by his proxy (the name of such proxy having been previously entered in the books of the house of lords of *Ireland*, according to the present forms and usages thereof) to the clerk of the crown, or his deputy (who shall then and there attend for that purpose), a list of twenty-eight of the temporal peers of *Ireland*; and the clerk of the crown or his deputy shall then and there publickly read the said lists, and shall then and there cast up the said lists, and publickly declare the names of the twenty-eight lords who shall be chosen by the majority of votes in the said lists, and shall make a return of the said names to the house of lords of the first Parliament of the united kingdom; and the twenty-eight lords so chosen by the majority of votes in the said lists shall, during their respective lives, sit as representatives of the peers of *Ireland* in the house of lords of the united kingdom, and be entitled to receive writs of summons to that and every succeeding Parliament; and in case a complete election shall not be made of the whole number of twenty-eight peers, by reason of an equality of votes, the clerk of the crown shall return such number in favour of whom a complete election shall have been made in one list, and in a second list shall return the names of those peers who shall have an equality of votes, but in favour of whom, by reason of such equality, a complete election shall not have been made, and the names of the peers in the second list, for whom an equal number of votes shall have been so given, shall be written on pieces of paper of a similar form, and shall be put into a glass by the clerk of the Parliament of the united kingdom, at the table of the house of lords thereof, whilst the house is sitting, and the peer whose name shall be first drawn out by the clerk of the Parliament, shall be deemed the peer elected; and so successively as often as the case may require; and whenever the seat of any of the twenty-eight lords temporal so elected shall be vacated by decease or forfeiture, the chancellor, the keeper or commissioners of the great seal of the united kingdom for the time being, upon receiving a certificate under the hand and seal of any two lords temporal of the Parliament of the united kingdom, certifying the decease of such peer, or on view of the record of attainder of such peer, shall direct a writ to be issued under the great seal of the united kingdom, to the chancellor, the keeper or commissioners of the great seal of *Ireland* for the time being, directing him or them to cause writs to be issued, by the clerk of the crown in *Ireland*, to every temporal peer of *Ireland*, who shall have sat and voted in the house of lords of *Ireland* before the Union, or whose right to sit and vote therein, or to vote at such elections, shall, on claim made on his behalf, have been admitted by the house of lords of *Ireland* before the Union, or after the Union by the house of lords of the united kingdom; and notice shall forthwith be published by the said clerk of the crown, in the *London* and *Dublin* gazettes, of the issuing of such writs, and of the names and titles of all the peers to whom the same are directed; and to the said writs there shall be annexed a form of return thereof, in which a blank shall be left for the name of the peer to be elected, and the said writs shall enjoin each peer, within fifty-two days from the teste of the writ, to return the same into the crown office of *Ireland* with the blank filled up, by inserting the name of the peer for whom he shall vote, as the peer to succeed to the vacancy made by demise or forfeiture as aforesaid; and the said writs and returns shall be bipartite, so as that the name of the peer to be chosen shall be written twice, that is, once on each part of such writ and return, and so as that each part may also be subscribed by the peer to whom the same shall be directed, and likewise be sealed with his seal of arms; and one part of the said writs and returns so filled up, subscribed and sealed as above, shall remain of record in the crown office of *Ireland*, and the other part shall be certified by the clerk of the crown to the clerk of the Parlia-

ment of the united kingdom; and no peer of *Ireland*, except such as shall have been elected as representative peers on the part of *Ireland* in the house of lords of the united kingdom, and shall there have taken the oaths, and signed the declaration prescribed by law, shall, under pain of suffering such punishment as the house of lords of the united kingdom may award and adjudge, make a return to such writ, unless he shall, after the issuing thereof, and before the day on which the writ is returnable, have taken the oaths and signed the declaration which are or shall be by law required to be taken and signed by the lords of the united kingdom, before they can sit and vote in the Parliament thereof; which oaths and declaration shall be either taken and subscribed in the Court of Chancery of *Ireland*, or before one of his Majesty's justices of the peace of that part of the united kingdom called *Ireland*, a certificate whereof, signed by such justices of the peace, or by the registrer of the said Court of Chancery, shall be transmitted by such peer with the return, and shall be annexed to that part thereof remaining of record in the crown office of *Ireland;* and the clerk of the crown shall forthwith after the return day of the writs, cause to be published in the *London* and *Dublin* gazettes, a notice of the name of the person chosen by the majority of votes; and the peer so chosen shall, during his life, be one of the peers to sit and vote on the part of *Ireland* in the house of lords of the United kingdom; and in case the votes shall be equal, the names of such persons who have an equal number of votes in their favour, shall be written on pieces of paper of a similar form, and shall be put into a glass by the clerk of the Parliament of the united kingdom, at the table of the house of lords, whilst the house is sitting, and the peer whose name shall be first drawn out by the clerk of the Parliament shall be deemed the peer elected. And be it enacted, That in case any lord spiritual, being a temporal peer of the united kingdom, or being a temporal peer of that part of the united kingdom called *Ireland*, shall be chosen by the lords temporal, to be one of the representatives of the lords temporal, in every such case, during the life of such spiritual peer being a temporal peer of the united kingdom, or being a temporal peer of that part of the united kingdom called *Ireland*, so chosen to represent the lords temporal, the rotation of representation of the spiritual lords shall proceed to the next spiritual lord, without regard to such spiritual lord so chosen a temporal peer, that is to say, If such spiritual lord shall be an archbishop, then the rotation shall proceed to the archbishop whose see is next in rotation, and if such spiritual lord shall be a suffragan bishop then the rotation shall proceed to the suffragan bishop whose see is next in rotation. And whereas by the said fourth article of Union it is agreed that, if his Majesty shall, on or before the first day of *January* next, declare, under the great seal of *Great Britain*, that it is expedient that the lords and commons of the present Parliament of *Great Britain* should be the members of the respective houses of the first Parliament of the united kingdom on the part of *Great Britain*, then the lords and commons of the present Parliament of *Great Britain* shall accordingly be the members of the respective houses of the first Parliament of the united kingdom on the part of *Great Britain;* be it enacted, for and in that case only, That the present members of the thirty-two counties of *Ireland*, and the two members for the city of *Dublin*, and the two members for the city of *Cork*, shall be, and they are hereby declared to be, by virtue of this Act, members for the said counties and cities in the first Parliament of the united kingdom; and that, on a day and hour to be appointed by his Majesty under the great seal of *Ireland*, previous to the said first day of *January* one thousand eight hundred and one, the members then serving for the college of the Holy Trinity of *Dublin*, and for each of the following cities or boroughs, that is to say, The city of *Waterford*, city of *Limerick*, borough of *Belfast*, county and town of *Drogheda*, county and town of *Carrickfergus*, borough of *Newry*, city of *Kilkenny*, city of *Londonderry*, town of *Galway*, borough of *Clonmell*, town of *Wexford*, town of *Youghall*, town of *Bandon-Bridge*, borough of *Armagh*, borough of *Dundalk*, town of *Kinsale*, borough of *Lisburne*, borough of *Sligo*, borough of *Catherlough*, borough of *Ennis*, borough of *Dungarvan*,

40 Geo. III. c. 67.

borough of *Downpatrick*, borough of *Coleraine*, town of *Mallow*, borough of *Athlone*, town of *New Ross*, borough of *Tralee*, city of *Cashel*, borough of *Dungannon*, borough of *Portarlington*, and borough of *Enniskillen*, or any five or more of them, shall meet in the now usual place of meeting of the house of commons of *Ireland*, and the names of the members then serving for the said places and boroughs, shall be written on separate pieces of paper, and the said papers being folded up, shall be placed in a glass or glasses, and shall successively be drawn thereout by the clerk of the crown, or his deputy, who shall then and there attend for that purpose; and the first drawn name of a member of each of the aforesaid places or boroughs shall be taken as the name of the member to serve for the said place or borough in the first Parliament of the united kingdom; and a return of the said names shall be made by the clerk of the crown, or his deputy, to the house of commons of the first Parliament of the united kingdom; and a certificate thereof shall be given respectively by the said clerk of the crown, or his deputy, to each of the members whose names shall have been so drawn: provided always, That it may be allowed to any member of any of the said places or boroughs, by personal application, to be then and there made by him to the clerk of the crown or his deputy, or by declaration in writing under his hand, to be transmitted by him to the clerk of the crown previous to the said day so appointed as above, to withdraw his name previous to the drawing of the names by lot; in which case, or in that of a vacancy by death or otherwise of one of the members of any of the said places or boroughs, at the time of so drawing the names, the name of the other member shall be returned as aforesaid as the name of the member to serve for such place in the first Parliament of the united kingdom; or if both members for any such place or borough shall so withdraw their names, or if there shall be a vacancy of both members at the time aforesaid, the clerk of the crown shall certify the same to the house of commons of the first Parliament of the united kingdom, and shall also express, in such return, whether any writ shall then have issued for the election of a member or members to supply such vacancy; and if a writ shall so have issued for the election of one member only, such writ shall be superseded, and any election to be thereafter made thereupon shall be null and of no effect; and if such writ shall have issued for the election of two members, the said two members shall be chosen accordingly, and their names being returned by the clerk of the crown to the house of commons of the Parliament of the united kingdom, one of the said names shall then be drawn, by lot, in such manner and time as the said house of commons shall direct; and the person whose name shall be so drawn, shall be deemed to be the member to sit for such place in the first Parliament of the united kingdom; but if, at the time aforesaid, no writ shall have issued to supply such vacancy, none shall thereafter issue until the same be ordered by resolution of the house of commons of the Parliament of the united kingdom, as in the case of any other vacancy of a seat in the house of commons of the Parliament of the united kingdom. And be it enacted, That whenever his Majesty, his heirs and successors, shall, by proclamation under the great seal of the united kingdom summon a new Parliament of the united kingdom of *Great Britain* and *Ireland*, the chancellor, keeper or commissioners of the great seal of *Ireland*, shall cause writs to be issued to the several counties, cities, the college of the Holy Trinity of *Dublin*, and boroughs in that part of the united kingdom called *Ireland*, specified in this Act, for the election of members to serve in the Parliament of the united kingdom, according to the numbers hereinbefore set forth; and whenever any vacancy of a seat in the house of commons of the Parliament of the united kingdom, for any of the said counties, cities, or boroughs, or for the said college of the Holy Trinity of *Dublin*, shall arise, by death or otherwise, the chancellor, keeper, or commissioners of the great seal, upon such vacancy being certified to them respectively, by the proper warrant, shall forthwith cause a writ to issue for the election of a person to fill up such vacancy; and such writs, and the returns thereon, respectively being returned into the crown office in that part of the united kingdom called *Ireland*, shall from thence be transmitted to the crown office in that part of

the united kingdom called *England*, and be certified to the house of commons in the same manner as the like returns have been usually or shall hereafter be certified; and copies of the said writs and returns, attested by the chancellor, keeper or commissioners of the great seal of *Ireland* for the time being, shall be preserved in the crown office of *Ireland*, and shall be evidence of such writs and returns, in case the original writs and returns shall be lost;' be it enacted, That the said Act, so herein recited, be taken as a part of this Act, and be deemed to all intents and purposes incorporated within the same.

40 Geo. III. c. 67.

Recited Act to be taken as part of this Act.

III. And be it enacted, That the great seal of *Ireland* may, if his Majesty shall so think fit, after the Union, be used in like manner as before the Union, except where it is otherwise provided by the foregoing articles, within that part of the united kingdom called *Ireland;* and that his Majesty may, so long as he shall think fit, continue the privy council of *Ireland* to be his privy council for that part of the united kingdom called *Ireland.*

The Great Seal of Ireland may if his Majesty shall think fit, after the Union, be used there in like manner as before, except where otherwise provided.

---

10 Geo. IV. c. 8.—An Act to amend certain Acts of the Parliament of *Ireland* relative to the Election of Members to serve in Parliament, and to regulate the Qualification of Persons entitled to vote at the Election of Knights of the Shire in *Ireland.*—[13*th April* 1829.]

[For the Roman Catholic Relief Bill, 10 Geo. 4. c. 7., see *ante*, vol. v. p. 59 *a*.]

10 Geo. IV. c. 8.

WHEREAS by an Act of the Parliament of *Ireland*, passed in the thirty-third year of the reign of King *Henry* the Eighth, intituled *An Act for the Adjournment of the Parliament, and the Place to hold the same, and what Persons shall be chosen Knights and Burgesses*, it is amongst other things enacted, that every knight, citizen, and burgess for every Parliament thereafter within the realm of *Ireland* to be summoned, appointed, or holden, shall be chosen and elected by the greater number of the inhabitants of the said counties, cities, and towns, being present at the said election by virtue of the King's writs for that intent addressed, and also that every elector of the said knights shall dispend and have lands and tenements of estate of freehold within the said counties at the least to the yearly value of forty shillings, over and above all charges: And whereas by an Act passed in the Parliament of *Ireland* in the thirty-fifth year of the reign of his late Majesty King *George* the Third, intituled *An Act for regulating the Election of Members to serve in Parliament, and for repealing the several Acts therein mentioned*, and also by subsequent Acts, persons having freehold estates are required to register their freeholds in the manner therein prescribed, in order to qualify them to vote at elections for members to serve in Parliament for counties in *Ireland:* And whereas it is expedient to increase the amount of the qualification necessary to entitle persons to vote at such elections, and to amend the laws now in force in *Ireland* relating to the registry of freeholds; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the commencement of this Act that part of the said Act of the thirty-third year of King *Henry* the Eighth, hereinbefore recited, which relates to the amount or value of the freehold necessary to qualify persons to be electors of knights of the shire to serve in Parliament for counties in *Ireland*, shall be and the same is hereby repealed.

33 H. 8. (I.)

35 G. 3. (I.)

So much of 33 H. 8. as relates to the Qualification of Electors for Counties in Ireland, repealed.

II. And be it enacted, That from and after the commencement of this Act no person shall be admitted to vote at any election of any knight of the shire to serve in the Parliament of the United Kingdom for any county in *Ireland* (save as herein-after is provided), unless such person shall have

No Person to vote at any Election of Knight of the Shire unless he have a Freehold Estate of 10*l.* a Year.

10 Geo. IV. c. 8.

an estate of freehold, in lands, tenements, or hereditaments in such county, of the clear yearly value of ten pounds at the least, over and above all charges, except only public or parliamentary taxes, county, church, or parish cesses or rates, and cesses on any townland or division of any parish or barony.

Nor unless such Freehold, if under 20*l.* a Year, be registered according to this Act.

III. And be it enacted, That from and after the commencement of this Act no person shall be admitted to vote at any election of a knight of the shire to serve in the Parliament of the United Kingdom for any county in *Ireland* by virtue or in respect of any estate or freehold of less annual value than twenty pounds of the late currency of *Ireland*, unless such freehold shall be registered pursuant to the provisions of this Act, save only as herein-after provided.

A Session for registering Freeholds to be holden in each County, at such Days and Places as the Lord Lieutenant shall appoint.

IV. And be it enacted, That after the commencement of this Act a session for the purpose of registering freeholds within this Act shall be holden in and for each county in *Ireland*, by and before the assistant barrister of such county, on such days and at such places in each such county respectively as the lord lieutenant or other chief governor or governors of *Ireland* shall appoint; and the clerk of the peace for each such county shall, forty days at the least before the day so appointed, cause to be posted in each market town therein notices, in the form specified in the first schedule to this Act annexed, that such session, for the purpose of registering freeholds within this Act, will be holden on the days and at the places so appointed, and that applications for that purpose will be then and there taken into consideration.

Notice to be given to Clerk of the Peace of Applications to register.

V. And be it enacted, That every person intending to register a freehold at any such session shall give to the clerk of the peace for the county notice in writing of such intention thirty clear days at the least before the day appointed for the holding of such session in the division of the county wherein such freehold is situate, and shall in such notice state, according to the form prescribed in the second schedule to this Act annexed, his name and residence, the description of the lands, tenements, hereditaments, or rent-charge in respect of which such application is to be made, and whether he intends to register such freehold at the annual sum of twenty pounds or of ten pounds; and the clerk of the peace of each county shall enter all such notices, according to the order in which he shall receive them, in a list in the form specified in the third schedule to this Act annexed, and shall, fifteen days at least before the day appointed for holding such session, cause a copy of such list to be published in some newspaper printed in such county, or in case no newspaper shall be therein printed, then in some newspaper printed in any adjoining county: Provided always, that no such list for the session to be first holden shall be liable to any stamp duty as an advertisement.

Clerk of the Peace to enter Notices in a List, and publish such List in a Newspaper.

Proceedings at the Session.

VI. And be it enacted, That at each such session the names of the persons contained in such lists shall be severally called by the clerk of the peace; and each person so called, who shall claim to register any freehold at the annual sum of twenty pounds or of ten pounds, shall produce in open court before such assistant barrister the deed, lease, or instrument, duly stamped, by virtue of which such person shall claim such freehold; or in case he shall not claim by virtue of any deed, lease, or instrument, then such person shall otherwise establish his title to such freehold; and such person shall also make it appear that a solvent and responsible tenant could afford to pay fairly and without collusion for the same the annual sum of twenty pounds or ten pounds, as the case may be, as an additional rent, over and above all charges, save such as are herein-before exempted, and over and above any rent to which the person so claiming to register such freehold may be liable in respect of the same.

Assistant Barrister to investigate the Claim to register.

VII. And be it enacted, That such assistant barrister shall inspect and examine every deed, lease, or instrument so produced, and investigate the title so made, as also the title which any claimant shall in any other manner seek to establish, and shall determine whether the same is or is not sufficient to entitle the person claiming thereunder to an estate of freehold; and shall also examine and inquire, as well by the oath of the person so claiming as by any evidence offered either in support of or in

opposition to such claim, whether a solvent and responsible tenant could afford to pay fairly and without collusion, as an additional rent for such freehold, the annual sum of twenty pounds or ten pounds, as the case may be, over and above all charges, save such as are herein-before excepted, and over and above any rent to which the person so claiming may be liable in respect of the same; and shall also inquire by any of the means aforesaid into the truth of the several particulars required to be stated in the oath herein-after prescribed to be taken for the registry of such freehold.

If the Assistant Barrister adjudge the Claimant entitled, he shall take the Oath hereby prescribed.

VIII. And be it enacted, That if it shall appear to such assistant barrister that the person so claiming is entitled to register such freehold at the annual sum, within the meaning of this Act, at which he shall claim to register the same, such assistant barrister shall and may so adjudge; and in such case the person so adjudged entitled shall, instead of the oath or oaths, affirmation or affirmations, now by law required in that behalf, take and subscribe before such assistant barrister the oath mentioned in the fourth schedule to this Act annexed, where the freehold of such person shall be of the annual value of twenty pounds, not arising from a rent-charge, and where the same shall arise from a rent-charge, then the oath prescribed in the fifth schedule to this Act annexed, and where the same shall be of the value of ten pounds, then the oath prescribed in the sixth schedule to this Act annexed.

Certificate of Registry.

IX. And be it enacted, That the clerk of the peace shall thereupon, instead of the certificate of registry now by law required, deliver to the person so adjudged to be entitled a certificate, signed by such assistant barrister and by such clerk of the peace, stating that such person has duly registered a freehold in the county within which the same shall be situate at the annual sum so proved as aforesaid, and reciting the oath of such person on which such freehold has been registered, which certificate shall stand in place of and be of equal effect and authority, to all intents and purposes, as the certificate of registry now by law required.

Oath to be signed by the Assistant Barrister, and filed of Record.

X. And be it enacted, That every such oath shall be signed by the assistant barrister before whom the same shall be taken, and shall be by him delivered to the clerk of the peace, to be filed and kept amongst the records of the county; and such assistant barrister is hereby required to take care that such oath shall be agreeable to the form hereby prescribed; and no objection in point of form shall at any time thereafter be allowed to any such oath when so signed.

If Claimant not entitled to register, the Assistant Barrister shall so adjudge, and set forth the Objection.

XI. And be it enacted, That in case it shall appear to such assistant barrister that the person claiming to register a freehold is not entitled to register the same, either in consequence of any objection to the deed, lease, or instrument so produced by him, or in consequence of any defect in the title to such freehold, or in consequence of insufficiency in the annual value of the freehold claimed, or in consequence of any objection relative to any of the matters to be stated in the oath hereby required to be taken for registering such freehold, such assistant barrister shall refuse to permit such person to register, and shall in that case make an order adjudging such person not to be entitled to register such freehold; and where any such order shall be founded upon insufficiency of value, it shall state such insufficiency as the ground of such order, or otherwise shall set forth the objection by reason whereof such person is adjudged to be not entitled so to register such freehold: Provided always, that such order shall be without prejudice to any future application to register such freehold which the person claiming the same shall think fit to make at any subsequent general or quarter sessions of the peace.

If Order grounded on Insufficiency of Value, Claimant may require a Jury.

XII. And be it enacted, That if any person against whose claim any such order shall be made on the ground of insufficiency of value shall deem himself aggrieved thereby, it shall be lawful for such person to appeal therefrom to the judges of assize at the next assizes for the county within which the freehold which he claims to register shall be situate; and such judges of assize, or one of them, are and is hereby empowered and required to try and inquire, by the verdict of a jury, whether the freehold is of the

10 Geo. IV. c. 8.

annual value, within the meaning of this Act, at which the claimant seeks to register such freehold; and such jury shall be returned by the same officer and in the same manner in which juries are now returned in cases of appeal from the decrees of the assistant barrister on civil bills, and shall take the oath prescribed by the seventh schedule to this Act annexed; and if such jury shall give a verdict in favour of the claim to register, and the judge before whom the same shall be tried shall consider such claim to be in other respects well founded, the order so complained of shall be thereupon reversed.

Where Registry is refused on any other ground, Claimant may appeal to Judge of Assize.

XIII. And be it enacted, That where any person against whose claim to register a freehold any order shall be made by the assistant barrister on any other ground than insufficiency of value shall consider himself aggrieved by such order, it shall be lawful for such person to appeal from such order to the judges of assize at the next assizes for the county; and such judges of assize, or one of them, shall have power, on motion, to review such order, and either to affirm or reverse the same, as shall be fit.

Proceedings in case of Reversal of Order.

XIV. And be it enacted, That in every case in which any order of any assistant barrister shall upon appeal be reversed, the judge of assize before whom the same shall have been heard, shall thereupon cause such oath to be taken and subscribed, and such certificate to be given, and shall sign the same respectively, in like manner as the assistant barrister is herein-before required to do, and shall cause such Acts to be performed by the clerk of the peace or his deputy, and such proceedings to be had, as are herein-before directed and required when any freehold is registered at any sessions before the assistant barrister; and such oath and certificate, and such Acts and proceedings, shall be of the like effect as if they had been taken, subscribed, given, performed, and had before the assistant barrister.

After the Session hereby directed, Freeholds may be registered at Quarter Sessions.

XV. And be it enacted, That after the termination of the session hereby directed to be first holden in any county in *Ireland* for the registering freeholds, it shall and may be lawful for any person desiring to register a freehold in such county to register the same at a civil bill court to be held at any general or quarter sessions of the peace to be holden for such county, upon giving to the clerk of the peace a notice of his intention so to do, in the form herein-before provided, thirty clear days at the least before the day appointed for the holding of such general or quarter sessions in the division wherein such freehold shall be situate; and the clerk of the peace shall in each such case proceed in all respects in the same manner as herein-before prescribed with relation to applications for registering freeholds at the first session for that purpose hereby directed; and the assistant barrister of such county is hereby authorized and required to hear and determine such application at such general or quarter sessions in the same manner in all respects as is herein-before provided with respect to applications to register freeholds at the session for that purpose to be first holden under this Act; and thereupon the same proceedings shall and may be had, the like orders made, the like oaths taken, the like certificates granted, the like rights and powers of appeal enjoyed and exercised, and the like rules, regulations, enactments, matters, and things observed, performed, and followed, as if such application had been made at the first session for registering freeholds directed to be held under this Act.

Officers to attend Sessions for Registry.

XVI. And be it enacted, That the sheriff of each county in *Ireland*, or his under sheriff, and also the clerk of the peace for each such county, or his deputy, and the chief constable of the barony in which each and every such court of sessions shall be held, and such number of other constables as the assistant barrister shall deem sufficient, shall attend the court from day to day during the continuance of each such session.

Session for registering Freeholds, to be deemed a Court of Record.

XVII. And be it enacted, That every session to be held for registering freeholds within this Act shall be deemed a court of record; and that it shall be lawful for every assistant barrister before whom such court shall be held, from time to time, as there shall be occasion, to fine the clerk of the peace or his deputy, or the sheriff or sub-sheriff of the county in which such court shall be held, and any chief or petty constable shall respectively

be guilty of any breach of duty in the execution of this Act, in any sum not exceeding five pounds, and at his discretion to fine in any sum not exceeding forty shillings or to commit to prison for any time not exceeding a fortnight, any person whatsoever who shall disturb the court so to be held by him for registering freeholds as aforesaid, or who shall be guilty of any other contempt of the said court.

Persons registered at first Session exempt from Fees.

XVIII. And be it enacted, That any person who at the commencement of this Act shall be duly registered as a freeholder in *Ireland*, and who shall register a freehold at the session to be first holden in pursuance of this Act, shall be exempt from the payment of any fee whatever for or in respect of such new registry.

Fee to Clerk of the Peace.

XIX. And be it enacted, That the clerk of the peace shall be entitled to demand and have from every person claiming to register a freehold under this Act, save as herein-before excepted, the sum of two shillings and sixpence, and no more.

Quakers or Moravians may affirm.

XX. And be it enacted, That in every case where any oath is by this Act required to be taken, every person being a Quaker or Moravian may make affirmation in the form prescribed hereby for each such oath respectively, and that all provisions herein contained relative to any oath shall respectively extend and apply to every such affirmation.

False Oath, Perjury.

XXI. And be it enacted, That if any person shall, in any oath or affirmation to be taken under this Act, wilfully and corruptly swear or affirm falsely, such person shall be deemed guilty of perjury, and be liable to the same pains, penalties, and punishments as any person is now liable to for wilful and corrupt perjury.

Forgery of Certificate or Oath, Felony.

XXII. And be it enacted, That if any person shall forge or counterfeit the signature of any judge, assistant barrister, or clerk of the peace, to any order, certificate, or any instrument or writing purporting to be an order or a certificate within this Act, or the signature of any person to any oath or affirmation within this Act, or shall knowingly utter or publish as true and genuine any such forged or counterfeited order, certificate, instrument, writing, oath, or affirmation, every person so offending shall be deemed guilty of felony, and shall be liable, at the discretion of the court before which he shall be tried, to be transported beyond the seas for the term of seven years, or to be imprisoned, with or without hard labour, for any term not exceeding three years.

Penalty on Persons refusing to give Evidence.

XXIII. And be it enacted, That if any person shall refuse to be sworn or to give evidence before any judge, assistant barrister, or jury, upon the investigation of any such claim as aforesaid, without sufficient lawful excuse, to be allowed by such judge or assistant barrister, it shall be lawful for such assistant barrister to order such person to pay a fine, not exceeding ten pounds, to be applied to the use of the county infirmary or such charitable institution as the assistant barrister shall think fit, or in default thereof to commit such person to the gaol of the county for any term not exceeding two calendar months.

Persons registering at first Session entitled to vote immediately; other Persons after Six Months.

XXIV. And be it enacted, That every person who shall duly register a freehold within this Act at the first session herein-before mentioned shall be thereupon forthwith entitled to vote at any election to be held in and for the county for which such freehold shall be registered; and that any person who shall at any time after such first session duly register a freehold according to the provisions of this Act, shall be entitled to vote at any election to be held by virtue of any writ tested six calendar months at the least after such registry.

Freeholders of 50*l.* may register under this Act, or in the Law Courts.

XXV. And be it enacted, That it shall be lawful for any freeholder who may be entitled by law to register a freehold in any county in *Ireland* of the annual value of fifty pounds, and who shall not before the passing of this Act have registered such freehold, to register such freehold by taking and subscribing the oath mentioned in the fourth schedule to this Act annexed, either before the assistant barrister at quarter sessions, or in any of the superior law courts of record in *Dublin*, or before a judge at the assizes, in manner now by law authorized; and that the said oath shall be subscribed by the assistant barrister, or by one of the judges of the court before whom the same was taken, and being delivered to the clerk

10 Geo. IV. c. 8.

of the peace shall be signed by him and kept among the records of the county; and each such freeholder shall thereupon be entitled to receive, at any quarter sessions of the peace for the division of the county in which his freehold shall be situate, a certificate of his having duly registered the same, which certificate shall recite the oath taken and subscribed by such freeholder, and, being signed by the assistant barrister and clerk of the peace, shall be of equal validity and effect with any certificate to which such freeholder would now by law be entitled.

Where Freeholds of 50*l.* or 20*l.* are registered prior to this Act, no new Registry required. Registry contrary to this Act invalid.

XXVI. And be it enacted, That where any freehold shall have been duly registered as being of the value of fifty pounds or of twenty pounds respectively, the registry whereof shall at the commencement of this Act be a valid and unexpired registry according to the provisions of any Act now in force, it shall not be necessary during the subsistence of such registry to register such freehold under the provisions of this Act.

XXVII. And be it enacted, That no registry hereafter to be made of any freehold shall be valid, unless made conformably to the provisions of this Act.

No Person to vote unless Freehold registered within eight Years preceding the Writ.

XXVIII. And be it further enacted, That no person shall be admitted to vote at any election of a member or members to serve in Parliament by virtue of any freehold of less annual value than fifty pounds, registered under the provisions of this Act, unless he shall have registered the same within eight years preceding the test of the writ for holding such election.

Duties of Clerk of the Peace.

XXIX. And be it enacted, That in case of any registry of a freehold within this Act, the clerk of the peace for each county in *Ireland* shall keep the like books, make the like returns, and discharge and execute all other the like duties, matters, and things as he is now by law authorized, entitled, or required to do with respect to the registry of freeholds in such county, save so far as is otherwise ordained by this Act; and that all matters and things now by law authorized or required for the due registration of such freeholds shall be in all respects done, performed, observed, and fulfilled, and all provisions, penalties, rules, orders, regulations, and conditions relating to the registration of such freeholds, and contained in any Act or Acts now in force, shall be used, applied, and enforced with respect to and shall be construed to extend to all freeholds to be registered under this Act, as if the same had been herein enacted, save so far as is hereby otherwise provided.

Former Enactments in force, save as hereby altered.

Laws in force respecting the registering of certain Freeholders extended to those under this Act.

XXX. And be it enacted, That all laws now in force touching the registering of freeholders in counties at large of the annual value of fifty pounds, twenty pounds, and forty shillings respectively, and touching the polling of persons qualified to vote at elections for such counties by virtue of such freeholds, shall be and the same are hereby extended to freeholders of the annual value under this Act of fifty pounds, twenty pounds, and ten pounds respectively, and that it shall be lawful to substitute the words ten pounds for forty shillings in all matters relating to such freeholds, as circumstances may require.

Freeholds in the County of Dublin may be registered before the Chairman of the Sessions.

XXXI. And be it enacted, That in the county of *Dublin* all freeholds to be registered under this Act shall be registered before the chairman of the sessions for that county, in the same manner in all respects as before the assistant barrister in any other county; and such chairman shall have, exercise, perform, and discharge every power, jurisdiction, right, authority, duty, and function hereby vested in or given to any such assistant barrister; and in any case where an appeal is hereby allowed from the order of an assistant barrister to the judges of assize, the like power of appeal from any order of such chairman shall and may, in the case of any freehold in the county of *Dublin*, be exercised and enjoyed to any of his Majesty's superior law courts of record in *Dublin*; and the court to which any such appeal shall be made shall proceed with respect thereto in the same manner as any judge of assize is hereby authorized or required to proceed.

Enactments herein contained to extend to him.

XXXII. And be it enacted, That every enactment herein contained relative to any assistant barrister or judge of assize shall, in the county of *Dublin* respectively, extend and apply to the chairman of the sessions of that county, and to his Majesty's superior law courts of record.

XXXIII. And be it enacted, That each riding in the county of *Cork* shall be deemed to be a county for the purposes of this Act.

Cork Ridings deemed Counties.

XXXIV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to alter or in any manner affect the qualification now by law required to entitle any person to vote at any election by virtue of any rent-charge.

Not to alter Qualification of Rent-charger.

XXXV. Provided also, and be it enacted, That no rector, vicar, or curate shall be obliged to register his freehold arising from his rectory, vicarage, curacy, or other ecclesiastical preferment, or be precluded from voting at any election on account of his not having registered the same.

Rectors, &c., not required to register.

XXXVI. And be it enacted, That it shall be lawful for every assistant barrister to administer all such oaths as are by this Act required to be taken or administered.

Assistant Barristers to administer Oaths.

XXXVII. And be it enacted, That the expences of printing the notices and of the advertisements hereby directed shall be defrayed by the clerk of the peace in each county respectively; and the grand jury of each such county, or the term grand jury for the county of *Dublin*, as the case may be, are hereby respectively required, at the next assizes or presenting term after such notices and advertisements, to present, to be levied off their respective counties in the same manner as other sums are authorized to be presented by such grand juries, all such sums as shall have been necessarily disbursed by such clerks of the peace respectively, which sums shall be paid to such clerks of the peace.

Expences of Notices, &c.

XXXVIII. And be it enacted, That when the session herein directed to be first holden for the purpose of registering freeholds shall have terminated in any county, the lord lieutenant or other chief governor or governors of *Ireland* shall cause notice thereof to be inserted in the *Dublin Gazette;* and that in case of a vacancy in the representation of any such county in this present Parliament before the publication of such notice of the termination of the session for such county, no writ shall issue for the holding of an election of a knight of the shire for such county until after the publication of such notice.

Notice of Termination of first Session of Registry.

XXXIX. Provided always, and be it enacted, That if after the commencement of this Act, and before the publication of such notice of the termination of the said first session in any county in *Ireland*, any election shall take place in pursuance of any writ issued for the election of members to serve in any new Parliament for such county, every person who would have been entitled to vote at any such election in case this Act had not been made shall be entitled to vote at the election to be holden in pursuance of any such writ; any thing in this Act contained notwithstanding.

In case of Dissolution of Parliament, old Freeholders may vote if no Notice has been published.

XL. And be it enacted, That in case any exigency shall render it necessary for any assistant barrister to adjourn any session for the registry of freeholders so appointed to be first holden, it shall be lawful for him to adjourn and continue the same as circumstances may require.

Assistant Barristers may adjourn Sessions if necessary.

XLI. And be it enacted, That it shall be lawful for the lord lieutenant or other chief governor of *Ireland*, by order or warrant under his hand, to direct the payment, out of the consolidated fund, of such sum as he or they shall deem sufficient to remunerate each assistant barrister and clerk of the peace for his attendance at the session to be first holden in pursuance of this Act.

Assistant Barristers to be remunerated.

XLII. And be it enacted, That this Act shall commence from and after the day next after the passing of this Act.

Commencement of Act.

XLIII. And be it further enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present session of Parliament.

Act may be amended.

10 Geo. IV. c. 8.

SCHEDULES REFERRED TO IN THIS ACT.

SCHEDULE I.

FORM of NOTICE of holding the First Session for registering Freeholds under this Act.

County of } NOTICE is hereby given, That a session for the purpose of registering freeholds in and for the said county, pursuant to an Act passed in the tenth year of the reign of King George the Fourth, will be holden on the day of next, at , and on the day of at , and on the day of at in the said county, before the assistant barrister, at which times and places applications to register freeholds in the several divisions of the said county respectively will be taken into consideration.

Dated this day of .

G.

Clerk of the Peace for the said conuty.

SCHEDULE II.

FORM of NOTICE to be given to the Clerk of the Peace of Applications to register Freeholds.

TAKE notice, That it is my intention to apply to register a freehold in the county of the particulars whereof are as follows:

Name and Residence of Applicant.	Description of Freehold, with the Names of Barony and Townland in which it is situate.	Yearly Value to be registered.

SCHEDULE III.

LIST of APPLICATIONS to be entered by the Clerk of the Peace.

No.	Name and Residence of Applicant.	Description of Freehold, with the Names of Barony and Townland in which it is situate.	Yearly Value to be registered.

SCHEDULE IV.

OATH of FREEHOLDER registering a Freehold of the Value of Fifty Pounds [or *Twenty Pounds*, as the case may be] *not arising from a Rent-charge.*

I *A. B.* of in the county of do swear, That I am a freeholder of the county of and that I have a freehold therein, arising from a house, [*or* houses, lands, *or both, or other hereditaments, as the case may be,*] of the clear yearly value of fifty pounds [*or* twenty pounds, *as the case may be,*] above all charges payable out of the same, lying and being at [*naming the townland or townlands, and barony or baronies, half barony or half baronies, wherein the freehold is situate in the said county,*] and that a solvent and responsible tenant could afford to pay for the same, as an additional rent, fairly and without collusion, the annual sum of fifty pounds, [*or* twenty pounds, *as the case may be,*] as I verily believe, over and above any rent which I am liable to pay for the same, and over and above all other charges, except only public or parliamentary taxes, county, church, or parish cesses, or rates and cesses on any townland or division of any parish or barony; and that the said freehold does not arise from a rent-charge; and that I have not accepted or procured the said freehold fraudulently, nor in exchange for any freehold in any other county; and that I do not hold the said freehold by virtue of any lease, deed, or instrument executed or made after the first day of July one thousand eight hundred and twenty-three, to any person or persons, jointly in common, or in partnership.

So help me GOD.

SCHEDULE V.

OATH to be taken by Rent-charger.

I *A. B.* of in the county of do swear, That I am a freeholder in the county of and that I have a freehold therein of the clear yearly value of twenty pounds at the least, above all charges payable out of the same, consisting of a rent-charge granted by deed bearing date the day of in the year on the lands of [*naming the lands mentioned in such deed, and the barony or baronies, half barony or half baronies, wherein the same lie,*] and that I am in the possession thereof to the clear amount of twenty pounds yearly, and am entitled to receive the same, as it becomes due, to and for my own sole use and benefit; and that I have not procured or accepted the same fraudulently, nor in exchange for a freehold in any other county.

So help me GOD.

SCHEDULE VI.

OATH of FREEHOLDER registering a Freehold of the annual Value of Ten Pounds.

I *E. F.* of in the county of do swear, That I am a freeholder of the county of and that I have a freehold therein, arising from a house, [*or* houses, land, *or both, or other hereditaments, as the case may be,*] of the clear yearly value of ten pounds above all charges payable out of the same, except only public or parliamentary taxes, county, church, or parish cesses or rates, and cesses on any townland or division of any parish or barony, lying and being at [*naming the townland or townlands or other denomination by which the place is generally known, and the barony or half barony or baronies wherein it is situate,*] in this county, and that a solvent and responsible tenant could, as I verily believe, afford to pay for the same, as an additional rent, fairly and without collusion, the annual sum of ten pounds, over and above all rent to which I am liable in respect thereof, and that the said freehold does

10 Geo. IV. c. 8.

not arise from a rent-charge, and that the same arises by virtue of the deed lease, and instrument which I now produce, bearing date the day of in the year [*or otherwise, stating the nature of the title, as the case may be,*] and that I am in the actual occupation thereof by residing thereon, [*or* by tilling, *or* by grazing, *or* by both tilling and grazing, *as the case may be; and where the freehold is held under any deed, lease, or instrument, adding these words,* and that the said freehold is not let or agreed to be let to the person or persons who executed the said deed or instrument, or to the heirs or assigns of such person or persons, or to any one in trust for him, her, or them, nor do I intend to let the same or any part thereof to such person or persons, or any of them, and that I have not agreed to let it for the term for which I hold it,] and that I have not procured or accepted the said freehold fraudulently, nor in exchange for a freehold in any other county, and that I do not hold my said freehold by virtue of any lease, deed, or other instrument executed or made after the first day of July one thousand eight hundred and twenty-three, to any person or persons jointly, in common, or in partnership.

So help me GOD.

SCHEDULE VII.

OATH of a JUROR.

YOU shall well and truly try whether the lands, tenements, or hereditaments in respect of which *C. D.* claims to register a freehold in the county of are or are not of the clear yearly value of ten pounds [*or* twenty-pounds, *as the case may be,*] over and above all charges payable out of the same, except only public or parliamentary taxes, county, church, or parish cesses, or rates and cesses on any townland or division of any parish or barony, and whether a solvent and responsible tenant could afford to pay for the same, fairly and without collusion, as an additional rent, the said annual sum, over and above any rents to which the said *C. D.* is liable in respect of such freehold, and a true verdict give according to the evidence.

So help you GOD.

INDEX.

INTRODUCTION.....Vol. I.—Page xvii.
CHRONOLOGICAL TABLE OF STATUTES - - I.—.... lxxxix.
REPEALED STATUTES ..... - - I.—.... cxxix.

N. B. The Numerals refer to the Volume.—The Figures to the Page.

ABATEMENT,
by death of the king, iii. 193. 320. 323. 357
by death of parties, iii. 320. 323
in partition, i. 314
verification of plea by affidavit, i. 231
ABBREVIATION
in Writs, iii. 215
ABDUCTION. See *Offences against the Person*
ABORTION. See *ib.*
ACCEPTANCE OF BILLS, ii. 263. See *Bills of Exchange*
ACCESSORIES, v. 200. 202. 236. vi. 32. 49. See *Offences against the Person, Larceny, &c.*
ACCOUNTS AND ACCOUNTANTS,
of the king, iv. 225
remedy against, iii. 77
ACCOUNTANT-GENERAL, iv. 294. 314
ACCUMULATION,
limitation on produce of real and personal estates, i. 245
ACTIONS,
on statutes, i. 209
popular, iv. 199
miscellaneous, iii. 357
ADMINISTRATORS, ADMINISTRATION, ii. 348
ADMIRALTY,
criminal jurisdiction, vi. 124. 126
ADVERTISING REWARD FOR STOLEN GOODS, &c.
no questions asked, vi. 53
ADVOWSON, i. 64. 100
writ of right, quare impedit, iv. 138
belonging to papists, i. 45. 59. 65. 76
AFFIDAVIT,
in courts at Westminster, iii. 359
Chester, iv. 81
Durham, iv. 73
Lancaster. iv. 71
to hold to bail, iii. 134. See *Arrest*
AFRICAN COMPANY,
abolition of, i. 189
AGREEMENTS,
to be in writing, i. 211
ALEHOUSES,
repealed and expired statutes, law and decisions, vii. 1-31 *o*
prevention of selling ale and liquors, by persons not duly licensed, vii. 21
retail licenses, vii. 28
ALEHOUSES.—*continued.*
regulation of inns, alehouses, and victualling houses in England, vii. 31 *p*
repeal of statutes, vii. 31 *b b*
retail brewers, vii. 31 *f f*
ALIENATIONS,
fines for, i. 206, 207
ALIENS, i. 1. 20
ALIENS, i. 228
ALLEGIANCE,
oath of, i. 6. 19
AMENDMENT,
of the law, i. 231
statutes of, iii. 203
AMBASSADORS,
privileges of, iii. 102
law and cases, *ib. n* (1)
ANCIENT DEMESNE,
recoveries in courts, i. 449
ANNUITIES,
registration of grants and protection of Infants, ii. 293. 302
law and cases, ii. 293. 301. notes
enrolment of memorials, ii. 306. 306 *b*
APOTHECARIES, exempt from juries. See *Juries and Jurors*
APPEAL,
in criminal cases. See *Criminal Offences*
APPEARANCE, i. 231. iii. 104. iv. 296
APPORTIONMENT OF RENTS, iv. 169
APPREHENSION OF OFFENDERS, vi. 15, 16. 235. vii. 480
APPRENTICES,
to merchant seamen, ii. 221 (43)
regulations, vii. 32. 47
binding poor parish children, vii. 46, 47. 52, 53. 63. 67. 70. 75
penalty on masters for ill usage, vii. 61
penalty on overseers and constables for neglect of duty, vii. 62
repeal of acts requiring seven years service to artificers, vii. 68
validity of parish indentures, vii. 69. 75
ARBITRATION, iii. 360
ARMY. See *Mutiny Act, Militia and Billetting Act*
ARREST,
process to express true cause of action, iii. 86

ARREST.—*continued.*
relief of prisoners, and regulations respecting arrests, iii. 89. See *Process*
detention of prisoners, iii. 93
action for an escape, iii. 93. 98. 101
frivolous and vexatious, iii. 104. 106
law and cases, iii. 105 *n.* 1
no person to be held to special bail, where cause of action is less than 20*l.* iii. 193 *g*
deposit may be made with Sheriff, iii. 193 *i*
money may be paid into court, *ib.*
money paid into court to be repaid on perfecting special bail, *ib.*
defendant may make deposit in court and file common bail, iii. 193 *k*
service of summons for defendant to appear, *ib.*
proceedings in case of non-appearance, *ib.*
process into Wales, and counties palatine, to be not for less than 50*l.* iii. 193 *l*
indorsement of process, *ib.*
act to extend to England only, iii. 193 *m*
similar provisions on arrests in Ireland, *ib.*
ARSON. See *Riots and Malicious Injuries to Property.*
ARTICLES, (39,) i. 45
ARTIFICERS,
regulations relative to service, &c. vii. 32
working under contract, vii. 50
repeal of acts, fixing rate of wages, vii. 67
repeal of acts as to service of apprenticeship for seven years, previous to carrying on trade, vii. 68
ASSAULT,
of privy counsellor, v. 100
to spoil cloaths, v. 242. See *Offences against the Person*
ASSETS, i. 211
ASSIGNEE,
covenants affecting, i. 200
ASSIZE,
real actions, iv. 133
judges of, iv. 282
ATTESTATION,
to deeds of appointment under powers, i. 418
ATTORNIES,
appointment, iii. 2. 36, 37, 38
not to be sheriffs officers, iii. 38
limited in Norfolk and Suffolk, *ib.*
defendant allowed to appear by attorney, iii. 40, 41
reform and amendment of, iii. 41
bills of costs, *ib.*
general regulations as to service, admission, practice and delivery of bills, iii. 42. 52. 54. 59, 60. 74. 76
law and cases relative to bills of costs, iii. 48, 49, 50. in notes
not to be justices of the peace, iii. 51
ATTORNIES.—*continued.*
indemnity, where service irregular, iii. 52
of superior courts may be admitted in inferior courts, iii. 52
ATTORNMENT,
when unnecessary, i. 234
to defraud landlords, iv. 169
AUDIT OFFICE,
forms of proceedings abolished, *iii. 23 y*
AUGMENTATIONS OF BENEFICES, i. 57. 62. 69
AVOWRY,
costs, iv. 154
by lord, without naming tenant, iv. 155
writs to inquire rent and value of distress, iv. 159
in counties palatine, iv. 160
for rents or services, iv. 169

B.

BAIL,
in civil cases, iii. 77
in error, iii. 209. 317. 350
personating, vi. 114
of persons suspected of insanity, vii. 522
on reversal of outlawry, iii. 197
assignment of bond, i. 231. 236. iv. 262
BAKERS,
baking on Sundays, vii. 513
BAILIFF,
fees, iii. 82
law and cases, iii. 82. 85. in notes
BANKERS,
regulations of, (Ireland,) ii. 221 (91). 221 (97)
regulation of copartnerships in England, ii. 221 (352)
in Scotland, ii. 221 (376)
BANKRUPT LAWS, iv. 396. And see *Analysis and Index.* iv. 546. 548
fraudulent bankrupts, (Scotland,) iv. 461
BANKS OF RIVERS, &c.
punishment for destroying, v. 252
BAPTISM,
registers of, i. 103
BARGAIN AND SALE,
inrolment, i. 416
inrolment in counties palatine, i. 417
BASTARDS, i. 168-9
maintenance, vii. 80. 82
punishment of mothers of bastard children, vii. 82. 87
affiliation and proceedings against the father, vii. 83. 85
law and cases, vii. 80, 81. 84. in notes
BAWDY HOUSES, vi. 218
BEACONS, ii. 221 (319). 221 (456)
BENEFICES OF PAPISTS, i. 59. See *Spiritual Persons*
BENT CUTTING, vii. 89
BERWICK-UPON-TWEED,
included in statutes where Great Britain or England only is mentioned, iv. 72

BIGAMY,
old statutes and law and cases thereon, v. 216, 217. See *Offences against the Person*
BILLETTING ACT, viii. 378
BILLS OF EXCHANGE,
consolidation and amendment of laws, (Ireland,) viii. 221 (440)
payment of inland bills of exchange, ii. 250
law and cases, ii. 250. 254. in notis, 254. 256
usurious consideration, ii. 262
regulation of acceptances, ii. 263
restrained when under a limited sum, ii. 259. 263. 263 *a*
payable on Good Friday or Christmas Day, ii. 259. 263 *c*
repeal amendment and consolidation of laws, (Ireland,) ii. 263 *e*. 263 *k*
counterfeiting foreign, v. 186
BILL OF EXCEPTIONS, iii. 341
BIRTHS,
registers of, i. 103
BISHOPS,
alienations by, i. 381
remedy for dilapidations, i. 383. See *Spiritual Persons*
BLACK ACT, v. 242
BLASPHEMY, v. 36
BOATMEN, ii. 168. 181
BOOKS,
importation of prohibited, ii. 29. 43
rights of British Museum and universities, &c. to copies of new books, ii. 47
engravings, &c. vested in original inventors, ii. 31
recovery of penalties, ii. 35
BOTTOMRY, ii. 227
BREAD,
regulations as to the sale and making of bread in London and neighbourhood, vii. 91
BRIDGES,
repair and mode of rating inhabitants, vii. 102. 105
rebuilding, repairing and presentment, vii. 105, 109
repairs and levying of county rates, vii. 112
provisions of former acts extended to bridges belonging to hundreds, vii. 115
purchase of lands, vii, 108, 115
contracts for repairs, vii. 115
materials for repairs, vii. 116
fixed rates of carriage for repairs repealed, vii. 121
BRIEFS,
abolished, i. 150 *c c c*
BRITISH MUSEUM,
to have a copy of new books, ii. 46
BROKERS, ii. 346
BUOYS, ii. 221 (319). 221 (456)
BURGLARS,
reward for apprehension, vi. 21. 24
BURGLARY. See *Larceny, &c.*
BURIALS,
registers of, i. 103
BUSTS,
models and casts of, ii. 39
BYE LAWS. See *Corporations*

C.

CAPITE,
tenure abolished, i. 205
carriage rates, vii. 120
CATHEDRAL CHURCHES,
statutes, i. 175
CATTLE,
ill-treatment of, vii. 126 *b*
CEMETERIES, i. 150 *z z*. See *Churchyards*
CERTIORARI, i. iv. 92. v. 264. vi. 237. 264
CESTUI QUE VIE, i. 209. 238
CHAMPERTY, ii. 334. vi. 222. 224, 225
CHANCERY. See *Courts of Equity*
CHAPLAINS, i. 28. 35. 38. 96
CHARITIES,
redress for misemployment of charitable gifts, i. 321
encouragement of charitable gifts, i. 323
summary remedy in cases of abuse of trusts, i. 329
registering of donations, i. 330
commissioners to inquire into, i. 334. 338
management of, i. 341
exchange of lands, i. 343
remedy for defect in titles of lands, i. 348 *a*. See *Mortmain*
CHESTER,
process, iv. 15. 55
statutes of jeofails, iv. 68
mode of signing judgments, iv. 68
frivolous and vexatious suits, iv. 69
return of writs, iv. 72
commissions for taking affidavits, iv. 81
regulation of proceedings in courts, iv. 83
CHILD-STEALING, vi. 41
CHILDREN,
born abroad, i. 7-9
born of aliens, i. 228-9
CHURCHES,
repairing and building, i. 61. 101. 97. 150. 150 *b b b*. 150 *c c c*
absenting from, v. 12. 19
riotously pulling down, v. 237
union of, i. 55
CHURCHYARDS, i. 101. 123
CIRCUIT COURTS,
(Scotland,) iii. 35 *b b*
CLERGY,
statutes relating to, i. 228. See *Spiritual Persons*
arresting. See *Offences against the Person*
CLERKS OF THE PEACE, iv. 291
COAL MINES, v. 255. 258. 261. 270. 279. See *Malicious Injuries to Property*
COASTING TRADE, ii. 101. 104. 122. &c.

COIN AND BULLION,
ancient statutes, v. 143-156
duty of assayer, controller and master of the mint, v. 156
allaying of gold and silver, v. 157
what coin shall be current, v. 158
exchanging for more than the current value, v. 160
counterfeiting foreign coin, v. 160. 162. 186
clipping, washing, filing, &c. v. 161, 162. 165. 172. 180
melting silver coin, v. 164
counterfeiting, v. 165. 168. 172, 173, 174. 176. 179. 186
export of bullion, v. 165
coinage of bullion, v. 168
plate, regulations relative to marking, fineness, &c. v. 163. 175
importation of foreign coin, v. 181, 182
exportation of base coin to the colonies, v. 185
manufacture of gold wares below the standard, v. 186
circulation of copper tokens, v. 189
COMMON LAW COURTS,
(Ireland,) regulation of proceedings, iii. 23. 35
COMMON PLEAS,
to be holden in a place, certain, iii. 1
not in Exchequer, iii. 4
not to be removed, iii. 6
COMMON PRAYER BOOK, i. 46, 47
COMMONS, i. 277
COMPOUNDING INFORMATIONS, iv. 200. See *Crim. Proc.*
CONSTABLES,
expences in criminal cases, vii. 122, 123. 129
expences of high constables, vii. 130
appointment of special constables, vii. 130
presentments by, discontinued, vii. 131 *d*
appointment of constables in Ireland, vii. 131. 131 *e*
CONVEYANCES. See *Fraudulent Conveyances*, i. 359
COPARCENERS, i. 312
COPY OF COURT ROLL,
tenure by, i. 207
COPYHOLD,
admission of femes covert, i. 240
infants, *ib.*
fines, i. 241
recoveries, i. 448
devise without surrender, i. 467
COPYRIGHTS, ii. 10
right of universities, &c. to copies, ii. 13 *n* (2). 33. 47
rights of authors, ii. 14. 27, in notis, 40
in prints, engravings, &c. ii. 27
of designs for linens, &c. ii. 36
CORN,
offences relating to, v. 234. 242. 256. 268
CORONATION OATH, v. 29
CORONER,
regulations on the election of coroners for counties, iv. 393
duties of, v. 196. 198
CORPORATE OFFICERS,
resorting to conventicles, i. 179
CORPORATIONS, i. 170
not to make any orders or statutes without consent of the chancellor, &c. i. 170
regulations of, i. 173
act for quieting of, i. 179
oaths of officers, i. 180
election of chief magistrates, i. 181
COSTS, i. 233
in equity, on dismissal of bill, i. 237
in error, on quashing bill, i. 237
where damages shall be recovered, iii. 293
law and cases relative to costs, iii. 293-295
in actions at suit of the king, iii. 296
in cases of delay or discontinuance of suits, iii. 297
where sum shall not amount to 40*s.* iii. 299
law and cases *ib. n* (1)
for defendant on nonsuit or verdict against plaintiff, iii. 300
where damages are found under 40*s.* iii. 301
law and cases, iii. 301 *n*
where several defendants, iii. 303
for defendant on demurrer or writ of error, iii. 304
for plaintiff in actions of waste, *ib.*
in actions of trespass, iii. 305
of process, (Ireland,) iii. 305 *a*
COTTON MANUFACTORIES, viii. 222. 239, &c.
COUNTIES,
new divisions, vii. 158
COUNTIES PALATINE, iv. 1. See *Respective Nomes*
COUNTY HALLS, iii. 35 *s*
COUNTY RATE,
assessment, collection, and levy, vii. 132, 133. 142. 151. 154, 155
COURTS OF LAW,
(Scotland,) regulation of forms of process, iii. 35 *b*
COURTS OF LAW. See *King's Bench, Common Pleas, Inferior Courts, &c.*
COURTS OF EQUITY,
oaths of clerks, iv. 290
untrue suggestion in Chancery, *ib.*
subpœna, iv. 293
authority of lord keeper and chancellor, iv. 291
lands, &c. given to charitable uses, *ib.*
lords commissioners for great seal enabled to execute the office of chancellor, *ib.*
dismissal of bills, iv. 293
for preventing escapes from the Queen's Bench and Fleet prisons, iv. 294

COURTS OF EQUITY.—*continued.*
securing monies, &c. of suitors in court of Chancery, iv. 294
relief of suitors, iv. 296
to disputes touching orders and decrees of court of Chancery, *ib.*
process in court of equity effectual, *ib.*
court of Chancery empowered to lay out money of suitors out of bank of England, for answering charges of the office of accountant-general, iv. 299, 300, 301
income of the masters in Chancery, iv. 300
transfer of stock in suits, iv. 302
proceedings against persons having privilege of parliament, iv. 304
practice of court where members of parliament are defendants, iv. 305
debts of traders, iv. 305
relief of prisoners for non-payment of monies pursuant to orders of courts of equity, iv. 312
relief of infant suitors, iv. 312
of persons entitled to stocks and annuities transferable at bank of England, *ib.*
appointment of vice-chancellor, iv. 313
property vested in accountant-general, iv. 314
charity and friendly societies, iv. 316
administration of justice in courts of Chancery in Ireland, iv. 317. 379
fees of Chancery, (Ireland,) iv. 342. 387
administration of justice, equity side of Exchequer, (Ireland,) iv. 356. 378. 388. 391
fees in Exchequer, (Ireland,) iv. 372
Rolls court decrees, vi. 391
CRIMINAL OFFENCES,
committed on the seas subject to same punishment as on shore, vi. 134
trial of offences committed in distant parts, vi. 135
breaking prison, vi. 633
assisting prisoner to escape, *ib.*
punishment, vi. 164
assaulting constables to prevent apprehension of persons charged with Felony, vi. 165
CRIMINAL PROCEEDINGS,
night-walkers and suspected persons, vi. 236
recognizances, vi. 237
supersedeas, *ib.*
certiorari, vi. 237. 264
apprehension and trial of offenders, vi. 239. 241. 244. 249
indictments and informations, vi. 246. 256
bail in cases of felony, vi. 249 *a*
examination of witnesses, vi. 249 *b*
duty of justices, *ib.*
duty of coroner, *ib.*
proceedings on committal
CRIMINAL PROCEEDINGS.—*contin.*
indictment and trial of offenders, vi. 249 *a*. 249 *o*
in Ireland vi. 249 *o*. 249 *x*
examination, bail, and commitment, vi. 250. 256
outlawry, vi. 259
process, *ib.*
arraignment and trial, vi. 269. 287 *a*
imprisonment, transportation, capital punishments, and pardon, vi. 287 *b*. 336
CRIMINAL TRIALS,
(Scotland,) iii. 35. 66
CROWN,
limitation of, iii. 14. 19
CROWN DEBTS. See *King's Debts*, iv. 225
CROWN OF ENGLAND, v. 6
CROWN REVENUE. See *Land Revenue of the Crown*
CROWN OFFICE,
proceedings in, vi. 226
CURATES, i. 38. 64. 95. See *Augmentation of Livings*
stipendiary, i. 124
stipendiary (Ireland,) i. 150 *u*
CURRENCY,
assimilation of, ii. 221 (114)
CUSTOMS,
repeal of former acts, ii. 221 (127)
regulations for the management of, 221 (176). 221 (190). 221 (361). 221 (431). 221 (447)
CUSTOS ROTULORUM, iv. 291

D.

DEACONS,
appointment of foreign, i. 94
DEATH OF PARTIES,
presumption of, i. 209
concealment of, i. 238
DEBTS,
due to the king, iv. 225
of traders, iv. 305
DEBTORS. See *Insolvent Debtors*
DECLARATIONS. See *Prisoners*
DEEDS,
executed in Ireland, registry of, i. 254
DEER STEALING. See *Larceny*
DEMURRER, i. 231. iii. 207
DENIZENS, i. 1
DESCENT, i. 200. 228, 229
DESERTION,
from his Majesty's service, under colour of civil or criminal process, iii. 135
DEVASTAVIT, ii. 348. See *Executors, &c.*
DEVISE, i. 450. 462
DILATORY PLEAS, i. 234
DISCONTINUANCE, i. 196. 377. 426. 428. 498
DISORDERLY HOUSES, vi. 219
DISSEISIN, i. 200
DISTRESS. See *Landlord and Tenant, and Replevin*
DISTRIBUTION,
husband of wife's estate, i. 211
mother and brothers, ii. 360

DIVORCE,
examination of witnesses in India, i. 166
DOCK YARDS,
setting fire, v. 105
DOWER, i. 190
writ of, i. 191. iv. 133. v. 72. 78
DRUNKENNESS, vii. 5. 13
DURHAM (County Palatine),
writs upon proclamation and exigents, iv. 63
statutes of jeofails, iv. 68
mode of signing judgments, iv. 68
commissions for taking affidavits, iv. 72
regulation of court of Common Pleas, iv. 84
remedy of inconveniences arising from vacancy of bishopric, iv. 83 *k*
DWELLING HOUSES,
stealing in. See *Larceny*

E.

EAST INDIA COMPANY,
trade from China to British colonies in America, ii. 221 (97)
ECCLESIASTICAL COURTS, iv. 266
prohibition, iv. 267, 268. 270
consultation, iv. 267
penance, iv. 268
defamation, *ib.*
prosecutions in spiritual and temporal courts, *ib.*
king's letters to discharge an excommunicate, *ib.*
clerks, iv. 269
distresses, *ib.*
religious houses, *ib.*
clerk excommunicate, *ib.*
examination of a parson, *ib.*
free election, *ib.*
clerk fleeing into the church for felony, *ib.*
privilege of church, *ib.*
woods within the forests
of seising of bishop's temporalities, iv. 270
process awarded by spiritual courts, *ib.*
suits for tithes, *ib.*
action for goods taken away, iv. 271
libel, iv. 272
no person shall be cited out of the diocese where he dwells, &c. *ib.*
restraint of appeal, iv. 274. 278
submission of clergy, iv. 278
quarrelling and fighting in churches, &c. 279
execution of writ *de excommunicatio capiendo*, iv. 280
to prevent frivolous suits in ecclesiastical courts, iv. 284
regulation of, in England, and recovery of church rates and tithes, *ib.*
regulation of court of commissaries in Edinburgh, and of inferior commissaries in Scotland, iv. 289 *a*
ECCLESIASTICAL COURTS.—*contin.*
salaries of officers, &c. in ecclesiastical courts in England, iv. 289 *e*
ejectments. See *Landlord and Tenant*
ELECTIONS,
officers of revenue, vi. 189, 190, 191. 198
charges and expences, vi. 189
bribery and corruption, vi. 191. 199
county members, vi. 194
in cities and counties, vi. 195
occasional freemen, vi. 196
ELECTIONS, (Ireland,)
amendment of former acts, viii. 485
qualification of voters at the election of county members, viii. 485. 494
EMBEZZLEMENT of PUBLIC STORES, vi. 65. 95. See *Larceny*
EMBEZZLEMENT. See *Larceny, &c.*
ENGRAVINGS. See *Copyright*
ENTAILED ESTATES,
to be purchased with trust monies, i. 246, 247. 254 *d*
ERROR,
when actions may be stayed by writ, iii. 89
and false judgment, iii. 341. 356 *a*
ESCAPE. See *Arrest, Process, Prisoners*
ESCHEAT, i. 469
ESCUAGE,
tenure by, i. 206
ESTATES,
for life, i. 238
ESTATES PUR AUTRE VIE, i. 444
EVIDENCE,
punishment of perjury, iii. 286
of tradesman's books, *ib.*
by Quakers, &c. iii. 287, 288. 292 *b*
of witnesses in incha, iii. 289
of party benefited by conviction, iii. 290
of persons convicted of larceny, *ib.*
of statutes, iii. 291
where witness may subject himself to a civil suit, *ib.*
of witnesses for or against parishes, iii. 292
of order of commissioners of customs or excise, iii. 292
in case of variances between records and written evidence, iii. 292 *a*
exchange, bills of, ii. 250
EXCHEQUER,
suits in equity side, iii. 22
security for money paid in on account of suitors, iii. 61
appointment of accountant-general and two Masters, *ib.*
See *Courts of Equity*
EXCHEQUER OFFICE,
forms of proceedings relative to public accountants abolished, iii. 23 *y*
EXCISE,
consolidation and amendment of laws, ii. 221 (381)
EXECUTION, iii. 306. 340

EXECUTORS,
sale of land, by, i. 197
EXECUTORS AND ADMINISTRATORS, ii. 348
debts due to the king, *ib.*
intestates, *ib.*
writ of accompt, *ib.*
trespass, *ib.*
law and cases, *ib. n*
executors of executors, ii. 349
redress of extortion in proving wills, ii. 349
administration of intestates effects, *ib.*
law and cases, *ib. n*
remedy against servants embezzling goods of deceased, ii. 351
fees on probate, ii. 352
fraudulent administration, ii. 355
distribution of intestates estates, ii. 356
law and cases, ii. 357. 359
in notis de son tort, ii. 359
probate where executor is out of the realm, ii. 364
EXPORTATION,
repeal of ancient statutes, ii. 189 *a*
EXTENT, iii. 319. 334. 336

F.

FACTORS,
contracts by, for goods of principal valid, ii. 221 (123)
FEE-FARM RENTS,
sale of, i. 494. iii. 212.
FELO DE SE, vi. 235 *a*
FELONIES. See *Offences against the Person, Malicious Injuries to Property, Larceny*
FELONY RELATING TO THE REVENUE,
offences of persons employed in post-office, vi. 137
stealing post letters, &c. *ib.*
offences of assistants, vi. 138
forging the hand of receiver of prefines at alienation office, *ib.*
forging certificates of sale of land tax, *ib.*
stamps on paper, vi. 139
stamps on wrought plate, gold, or silver, &c. *ib.*
making frames used in making paper with revenue stamp, vi. 140
forging custom debentures, *ib.*
opposing with arms the revenue laws, vi. 141
FELONY RELATIVE TO THE SLAVE TRADE,
abolition, vi. 159
repeal of former statutes, vi. 162 *a*
regulations, penalties, and punishment, vi. 162 *a*. 162 *s*. 162 *f f f*. 162 *q q q*
treaties and conventions with Portugal, vi. 162 *s*. 162 *h h*
treaties and conventions with Spain, vi. 162 *i i*. 162 *u u*
treaties and conventions with the Netherlands, vi. 162 *u u*. 162 *f f f*
FEMES COVERT,
may surrender and renew leases, i. 351
FEOFFEE OF LAND, i. 194, 195
FEOFFMENT, i. 192
FINES,
avoiding of, i. 235
mode of levying, i. 420, 421
inrolling of writs whereon fines are levied, i. 422
persons bound by fines, i. 422, 423
exposition of statute, 4 Hen. 7. c. 24. i. 426
law and cases on statutes, i. 424, 427, notes
in towns corporate, i. 430
levied before the justices in Wales, i. 430
levied in the county palatine of Lancaster, *ib.*
levied in the county palatine of Chester, i. 431
proclamations, i. 432. 440
levied in the county palatine, *ib.*
writs of error, i. 434
when reversable by writs of error in Wales and counties palatine, i. 437
levied within the city of Chester, i. 440
post fines, on levying, i. 445
See *Recoveries*
FIRE,
accidental, iii. 363
by negligence of servants, viii. 184
FIREWORKS,
nuisance, penalties, forfeitures, vii 163
FIRST-FRUITS, i. 36
FISH,
wears, vii. 166
penalty for taking salmon at certain times, vii. 167. 187
fastening nets across rivers, vii. 168
fishing in private ponds, &c. vii. 169. 179. 226
preservation of spawn, vii. 169
destroying banks of ponds, *ib.*
preservation of sea fish, vii. 174
meshes of nets, vii. 175
oysters, vii. 181. 186
seizure of nets, vii. 228
FISHERIES, (Newfoundland,)
repeal of former acts and regulation of, ii. 221 (86)
British and Irish, ii. 221 (90)
FLOATING LIGHTS, ii. 221 (319). 221 (456)
FORCIBLE ENTRY,
law and cases, vii. 193
entry on lands, vii. 193. 197
duty of justices, vii. 194. 196
restitution of possession, vii. 197
FOREIGN PROTESTANTS, i. 8. 10. 12. 15
FORGERY,
construction of acts, law, and cases, vi. 90. 95. 111. 116
of deeds and writings, vi. 95. 101
fines, recoveries, acknowledgment of statutes, recognizance, bail, or judgment, vi. 99
letter of attorney, vi. 104. 106

FORGERY.—*continued.*
personating proprietors of shares, vi. 100
of hand of accountant of court of Chancery, *ib.*
East India or South Sea bonds, vi. 101
Mediterranean passes, *ib.*
acceptances to bills of exchange or other security for payment of money, vi. 103
altering amount of security, and uttering same, *ib.*
bank notes, vi. 107. 120
lottery tickets, vi. 104
deeds, wills, &c. with intent to defraud corporation, vi. 105. 109
personating out-pensioner of Greenwich hospital, vi. 106
letter of attorney, certificate, will, &c. of officer or sailor to receive prize money, vi. 107
of hand-writing of superscription of letter, vi. 109
seamen's tickets, vi. 110
transfers of public funds, *ib.*
names of witnesses to letters of attorney, vi. 112
bankers' notes and bills of exchange, iv. 114. 116
silver tokens issued by bank of England, vi. 119
FORMA PAUPERIS, iii. 294. 357
FORMEDON, i. 193, iii. 228. iv. 148.
FRANKALMOIGN, i. 207
FRAUDS,
statute of, i. 211
FRAUDULENT CONVEYANCES,
to deceive creditors, i. 359—to deceive purchasers, i. 361. 2.—Law and decisions on statutes, i. 364. 376
FRAUDULENT DEVISES, i. 462
FRIENDLY SOCIETIES,
repeal of former acts, vii. 216 *a*
former statutes & decisions, i. 198-216
any number of persons may form themselves into a society, and raise a fund for their mutual benefit, &c. vii. 216 *a*
power to alter and amend rules, vii. 216 *b*
purpose of establishment to be declared in rules, *ib.*
rules to be submitted to a barrister, &c. *ib.*
and deposited with clerk of peace, *ib.*
and to be confirmed by justices at sessions, and a duplicate certified by clerk of peace, vii. 246 *c*
when not necessary to submit rules to barrister, *ib.*
rules not to be allowed unless justices are satisfied with tables, *ib.*
no society entitled to benefit of this act unless their rules have been confirmed, *ib.*
rules, when entered and deposited, to be binding on members and depositors
FRIENDLY SOCIETIES.—*continued.*
copy of transcript to be received in evidence, vii. 216 *c*
no confirmed rule to be altered but at general meeting of society, vii. 216 *d*
rules shall specify place of meeting and duties of officers, *ib.*
society may alter place of meeting, *ib.*
may appoint officers, *ib.*
securities to be given for officers of trust, if required, *ib.*
treasurer of trustees to give bond to clerk of the peace, *ib.*
appointment of committees, vii. 216 *e*
powers of standing committees to be declared in the rules of society, and of particular ones entered in a book, *ib.*
committee controllable by society, *ib.*
treasurer or trustees to lay out surplus of contributions, *ib.*
and to bring the proceeds to account, *ib.*
treasurers, &c. to render accounts and pay over balances, *ib.*
in case of neglect, application may be made to court of Exchequer, vii. 216 *f*
where trustees, &c. are out of jurisdiction of court, &c. court of Exchequer may appoint a person to convey, *ib.*
when trustees shall be absent, &c. courts may order stock to be transferred and dividends paid, *ib.*
no fee to be taken for any proceedings in such courts, vii. 216 *g*
who shall be named in the orders of the court for making transfers, *ib.*
act to be an indemnity to the bank, *ib.*
executors, &c. to pay money due to societies before any other debt, *ib.*
effects of societies to be vested in the trustees or treasurers, who may bring and defend actions, *ib.*
limitation of responsibility of treasurers or trustees, vii. 216 *h*
treasurer, &c. liable for money actually received, *ib.*
payment to persons appearing to be next of kin declared valid, *ib.*
for payment of sums not exceeding 20*l.* where members die intestate, *ib.*
justices may hear cases of fraud, and punish by fine or imprisonment, vii. 216 *i*
proceedings necessary for dissolution of any society, *ib.*
stock not divisable for general purposes of society, *ib.*
penalties for illegal dissolution or division of funds, vii. 216 *k*
rules to be made directing how disputes shall be settled, *ib.*

FRIENDLY SOCIETIES.—*continued.*
appointment of arbitrators, vii. 216 *k*
justices shall enforce compliance with the decision of arbitrators, *ib.*
reference of disputes to justices, if so directed by the rules of society, vii. 216 *l*
orders of justices to be final, *ib.*
funds may be subscribed into the savings' bank, *ib.*
or into the bank of England, on receipts, *ib.*
societies enrolled under 59 Geo. 3. c. 128, prior to 24th July, 1828, entitled to 3*d.* per cent. per diem. *ib.*
minors may be members, and have legal authority to act, vii. 216 *m*
societies shall make annual audits and statements of the funds to members, *ib.*
returns to be made to the clerks of the peace at certain periods, *ib.*
returns to be transmitted to secretary of state, and laid before parliament, *ib.*
penalty to societies not making returns, *ib.*
exemption from stamp duties, vii. 216 *n*
construction of act, *ib.*
act to extend to all present and future societies, *ib.*
societies already inrolled to conform to this act within three years, *ib.*
public act, *ib.*

G.

GAME,
shooting, vii. 219
preservation of pheasants, partridges, and hares, vii. 221
tracing hares in snow, *ib.*
spoiling corn and grain by hawking, *ib.*
appointment of gamekeepers, vii. 224. 261. 265
powers of gamekeepers, vii. 224. 261
killing conies in and near warrens, vii. 225. 243
discovery and conviction of offenders, vii. 227
burning heaths, vii. 230
sale and purchase of game, vii. 230. 235 239. 265
qualifications of persons to keep greyhounds, vii. 231
unqualified persons, vii. 233
appointment of gamekeepers, vii. 234, 235
recovery of penalties, vii. 237, 238
taking wild fowl in nets, vii. 238
penalties for sporting out of season, vii. 240. 246
destroying pigeons, vii. 219. 241-2
black game, vii. 243
GAME.—*continued.*
stealing or destroying deer, vii. 250. 259. 262
repeal of old statutes relative to deer, vii. 256
repeal of certain statutes, vii. 257. 261, 262
mode of proceeding against and punishment of poachers, vii. 258, 262, 263. 268 *a*
law and cases, vii. 219. 262. notes
GAMING,
prevention, ii. 307, 308. 316
law and cases, ii. 308. 314, in notis
unlawful games and gaming-houses, vii. 269. 279. 284
lotteries, vii. 273, 274, 275, 276. 278. 280, 283. 289. 294
insurances on marriages, births, christenings, &c. vii. 274. 281
horse-racing, vii. 286
GAOLS AND HOUSES OF CORRECTION,
custody of gaols, vii. 298
committal of prisoners by justices of corporations, &c. vii. 301, 302
parochial relief to prisoners committed to gaols, not county gaols, vii. 303
abolition of gaol fees, vii. 305. 308
consolidation of laws relative to building, repairing, and regulating of gaols and houses of correction in England and Wales, vii. 315. 348. 352
building of gaols (Scotland,) vii. 309
consolidation and amendment of laws relative to prisons in Ireland, vii. 356 *h*
GLEBE LANDS, i. 101. 113. 122. 150. 150 *t t*
GRANTS OF THE KING, i. 469. See *Land Revenue, &c.*
GRANTEES OF REVERSION, i. 200
GUARDIAN IN SOCAGE, i. 191, 192

H.

HABEAS CORPUS ACTS, iv. 124. 130.
HARBOURS, viii. 157 *a.* See *Navigation*
HEIR,
debt against, i. 462
HERESY, v. 209
HIGH SEAS,
offences upon, vi. 122. See *Criminal Offences*
HERIOTS, i. 207
HIGHWAYS,
amendment of public highways in England, vii. 357
repairing by two parishes, vii. 403
statute duty relative to public highways, vii. 406
compounding for performance of statute duty, vii. 410
amendment and consolidation of acts relative to public highways in England, vii. 411

HIGHWAYS.—*continued.*
amendment of acts relative to notice of appeal, vii. 414
turning or diverting highways, *ib.*
stopping unnecessary roads, *ib.*
HIGHWAY ROBBERIES,
reward for apprehension of highwaymen, vi. 42
HOLY ORDERS, i. 94. 148
HOMAGE,
tenure by, i. 206
HOMICIDE. See *Malicious Injuries to Persons*
HONOUR FEODAL, i. 208
HORNINGS,
(Scotland,) regulation of office of keeper of general register, iii. 76 *c*
HORSE-RACING, ii. 316, vii. 286
HORSE-STEALING, ii. 342. 344
HOSPITALS (Public)
HUNDREDORS, iv. 216
repeal of former acts, *ib.*
rioters, compensation for injury done by, iv. 216
proceedings to be taken by party damnified, iv. 218
limitation of actions, iv. 216
service of process, iv. 217. 219
evidence of inhabitants, *ib.*
payment of damages, *ib.*
reimbursement to high constable, *ib.*
reimbursement to county treasurer, *ib.*
proceedings where damage does not amount to 30*l.* iv. 218
penalty on high constable for neglect, *ib.*
damage to churches and chapels, *ib.*
property of corporation, *ib.*
property not within any hundred, iv. 219
reimbursement of liberties, iv. 219, 220
HUSBAND AND WIFE,
alienation of lands by wife, i. 196

I.

IDIOTS AND LUNATICS,
when enabled to make conveyances, i. 350
may surrender and renew leases, i. 351
being trustees or mortgagees enabled to convey by direction of lord chancellor i. 358 *c*
when chancellor may appoint a person to convey, i. 358 *d*
or transfer stocks, &c. i. 358 *d*. 358 *h*
custody of, i. 473. See *Lunatics*
IMPORTATION,
law relative to, ii. 51 *u*
repeal of ancient statutes, ii. 189 *a*. 190
in what ships and from what countries to be made, ii. 196
INCLOSURE OF COMMONS, i. 277
approvement by lords, i. 278
INCLOSURE OF COMMONS.—*contin.*
inclosure by planting, i. 280. 284
for improvement of common arable fields, wastes and pastures, i. 285. 309
consolidation of former acts, i. 291
INDEMNITY ACT,
(annual) for omitting to qualify for certain offices and employments, viii. 344
INDICTMENTS,
if defective, a new one to be drawn gratis, vi. 19. See *Criminal Offences*
INFAMOUS CRIME. See *Larceny*
old statutes and law and cases thereon, v. 209 *m*. 217
INFANTS,
in what cases enabled to make conveyances, i. 349. 352
may surrender and renew leases, i. 351
consolidation of former acts, i. 358 *b*
being trustees or mortgagees enabled to convey estates by direction of court of Chancery or Exchequer, i. 358 *c*
may sue by prochein amy, iii. 37
INFERIOR COURTS,
time of holding county courts, &c. iv. 89. 101
appearance by attorney, iv. 89
distresses, iv. 89, 90
view of frankpledge, iv. 91
trials before the council of lords and ladies, *ib.*
officers of lords not to be attornies, *ib.*
release of persons imprisoned, iv. 92
court of pie-powders, *ib.*
practice, iv. 93
sewers, iv. 95. 108
removal of suits, iv. 102. 104
overcharges, by stewards, &c. iv. 103
stannary courts, iv. 106
courts of conscience, iv. 110
juries, *ib.*
arrests, iv. 111
imprisonment regulations, iv. 113
frivolous actions for assault, battery and slander, iv. 115
offenders within local jurisdictions may be committed to county gaol, iv. 116
regulation of inferior courts, (Scotland,) iv. 117. 117 *c*. 117 *s*
regulation of inferior courts, (Ireland,) iv. 117 *g*. 117 *i*. 117 *l*. 117 *m*
sessional divisions in England and Wales, iv. 117 *o*. 117 *r*
INFORMATIONS AND PENAL ACTIONS,
in nature of quo warranto, i. 176
in crown office, iii. 198
costs, i. 199
malicious, iii. 198

INROLMENT,
of bargains and sales, i. 498
of crown leases, iii. 212
INSANE PERSONS. See *Idiots and Lunatics*
INSOLVENT DEBTORS, (lords acts,) iii. 109
officers not to carry prisoner to public house without consent, iii. 110
nor to take more than allowed, *ib.*
sheriffs to instruct officers thereof, iii. 111
may send for victuals and bedding, *ib.*
fees payable by, iii. 112
regulated by superior courts, *ib.*
fees to be hung up, iii. 113
bequests to poor prisoner, iii. 114
benefactions to be registered, *ib.*
extortion to be examined into summarily, iii. 115
gaoler to take no other fees than allowed in authenticated table, *ib.*
charged in execution for sum not exceeding 100*l.* may exhibit petition with schedule of estate, iii. 116
notice to be given to creditor, iii. 117
to be examined on oath, *ib.*
form of oath, *ib.*
court may order assignment of estate, iii. 118
may be discharged, *ib.*
allowance when detained by one creditor, iii. 119. [Repealed. See *Post*]
when detained by more than one creditor, iii. 120. [Repealed. See *Post*]
mode of proceeding when imprisoned more than twenty miles from Westminster, iii. 120, 121
mode of proceeding when prisoner refuses to deliver up estate, iii. 122
on assignment to be discharged, iii. 124
future effects liable, *ib.*
statute of limitations not to be avoided, iii. 125
liable to transportation, for refusing to deliver schedule, *ib.*
to penalties of perjury for delivering false account, *ib.*
gaoler to receive fees pro rata, *ib.*
debts may be compounded, iii. 126
disputes submitted to arbitration, *ib.*
assignees indemnified, *ib.*
subject to jurisdiction of courts, *ib.*
may be removed, *ib.*
mutual credits, balance only to be demanded, iii. 127
none to take benefit unless compelled by creditor to deliver up estate, *ib.*
act not to extend to Scotland, *ib.*
charged in execution for sums not exceeding 300*l.* entitled to relief of lords act, iii. 128
INSOLVENT DEBTORS, (lords acts.) —*continued.*
committed on attachments for not paying money awarded entitled to benefit, iii. 128
debtors, not taking benefit of acts in time through ignorance, entitled, *ib.*
act not to extend to crown debts, iii. 129
repeal of weekly allowances in former act, iii. 130
application for increased allowance, *ib.*
may be discharged unless increased allowance is paid, *ib.*
further relieved, iii. 131
may be brought before justices at sessions instead of judges at assizes, iii. 145
repealed acts, iii. 146. 169. 173. 175. 193
policy, law, and cases, iii. 146. 154. 161, 162
INSOLVENT DEBTORS, (for small debts,)
debtor having lain in prison a year for debt not exceeding 20*l.* may be discharged, iii. 138
estate to remain liable, *ib.*
INSOLVENT DEBTORS, (general consolidation act,) iii. 193 *m*
powers of repealed acts continued for certain purposes, iii. 193 *n*
court established, commissioners and officers continued, *ib.*
court to be a court of record, *ib.*
seal of the court, *ib.*
powers of court and commissioners, *ib.*
place appointed for court to sit
one commissioner may hear matters out of court, *ib.*
court to sit twice a week, *ib.*
power to regulate sittings, *ib.*
commissioners to make circuits, *ib.*
power of commissioner on circuit, *ib.*
time and manner of making circuits, *ib.*
travelling expences to be paid by the treasury, iii. 193 *p*
one commissioner to remain in London, *ib.*
proviso for all commissioners to be on circuit, *ib.*
time of circuits to be advertised, *ib.*
commissioner not arriving, court to be adjourned, *ib.*
cause of non-arrival to be signified to secretary of state, *ib.*
no fees to be taken, except such as shall be established, iii. 193 *p*
persons imprisoned for debt may apply to the court in a summary way for discharge, *ib.*
time of petitioning, iii. 193 *q*
what shall be stated in the petition, *ib.*
petition to be signed and filed, *ib.*

INSOLVENT DEBTORS, (general consolidation act.)—*continued.*
prisoner at the time of petitioning to make assignment of estate and effects, iii. 193
and of future estate, *ib.*
and of debts, *ib.*
proviso for assignment to be void, iii. 193 *r*
power to dismiss petition, *ib.*
act only to extend to prisoners within the walls, *ib.*
exception, *ib.*
filing petition an act of bankruptcy within limited time, *ib.*
assignment to be filed, although avoided by commission, *ib.*
and court shall proceed to hear and adjudicate as in other cases, *ib.*
insolvent obtaining certificate, iii. 193 *s*
not to affect title of assignees of bankrupt, *ib.*
prisoner petitioning not to be discharged for want of plaintiff proceeding in his action, *ib.*
provisional assignee to take possession of estates, &c. *ib.*
to sue in his own name, if the court directs, *ib.*
property vested in him to go to his successor in office, *ib.*
court may order an allowance to prisoner during his confinement, *ib.*
where petition is dismissed, acts of assignees valid, *ib.*
no action to be brought against them where assignment avoided, iii. 193 *t*
court may appoint assignees, *ib.*
their acceptance to be signified to the court, *ib.*
assignment to them, *ib.*
what shall be evidence of assignment, *ib.*
sale of estate and effects to be made immediately, *ib.*
creditors to meet thirty days before sale of real estate, *ib.*
meeting to be advertised, *ib.*
assignee may surrender or convey copyhold or customary estate, iii. 193 *u*
discretion in court as to the disposal of property in certain cases, *ib.*
property may be mortgaged, *ib.*
assignees may execute powers, *ib.*
lease accepted by assignees, iii. 193 *x*
assignees not determining whether to accept lease, *ib.*
assignees may sue in their own names, *ib.*
may make composition for debts, *ib.*
may submit differences to arbitration, *ib.*
proviso for consent of creditors to compositions and arbitrations, *ib.*
creditors to vote according to balance due to them, *ib.*

INSOLVENT DEBTORS, (general consolidation act.)—*continued.*
suits not to be abated by death or removal of assignees, iii. 193 *y*
transfer where prisoner beneficially entitled to stock, *ib.*
assignees' power not to extend to the income of a benefice or curacy, *ib.*
sequestration of profit of benefice may be obtained, *ib.*
assignees' power not to extend to the pay or pension of naval, military, or civil officers, *ib.*
portion of pay or pension may be obtained on application, *ib.*
goods in possession of prisoner, whereof he was reputed owner, to be deemed his property, iii. 193 *z*
no assignment of vessels under 4 G. 4. c. 41, or 6 G. 4. c. 110, to be effected, *ib.*
distress not to be available for more than one year's rent, *ib.*
voluntary preference fraudulent and void, as against assignees, *ib.*
provisions of 3 G. 4. c. 39. extended to the assignees of insolvents, *ib.*
warrant of attorney, &c. iii. 193 *a a*
assignees to file account at the end of three months, *ib.*
notice to be given of dividend, *ib.*
how dividend is to be made, *ib.*
court may examine into disputed claims, *ib.*
if prisoner or creditor, or court dissatisfied with assignees' account, court may direct inquiry, iii. 193 *b b*
if no account rendered, court may compel the rendering thereof, *ib.*
court may charge assignee with 20*l.* per cent. on money wilfully retained, *ib.*
court to take measures for compelling due distribution by assignees, *ib.*
dividends unclaimed for twelve months to be paid into court, *ib.*
in default of which payment goods may be distrained, iii. 193 *c c*
no distress party may be imprisoned, *ib.*
court may remove assignees and appoint new assignees, *ib.*
what shall be evidence of removal and appointment, *ib.*
if assignee or executor, &c. so removed, shall not deliver over property, court may commit him, *ib.*
after petition filed, prisoner to deliver schedule of debts, &c. *ib.*
schedule to be filed with books and papers, iii. 193 *d d*
court to appoint time and place for hearing matters of petition and schedule, *ib.*
hearing by the court, *ib.*

INSOLVENT DEBTORS, (general consolidation act.)—*continued.*
proceedings by commissioners on circuit, iii. 193 *d d*
by justices in Wales at sessions, *ib.*
notice of hearing to be given to creditors, and advertised, 193 *e e*
at the time of hearing the matters of petition and schedule shall be excluded, *ib.*
creditors may oppose prisoner's discharge, *ib.*
hearing may be adjourned, *ib.*
affidavits may be received in opposition to prisoner's discharge in certain cases, *ib.*
schedule and prisoner's accounts may be referred to an officer of the court, &c. *ib.*
gaoler's fee for carrying him, *ib.*
officer and examiner may administer oaths, *ib.*
court may order expences of reference to be paid out of insolvent's estate, *ib.*
court, &c. may adjudge prisoner to be discharged from custody, *ib.*
court may adjudge discharge, &c. to be forthwith, or within six months from filing petition, iii. 193 *g g*
in certain cases discharge, &c. to be at any period not later than three years from petitioning, *ib.*
in other cases discharge, &c. to be any period not later than two years from petitioning, *ib.*
discharge may extend to persons for contempt in non-payment of money, iii. 193 *h h*
and to costs incurred by creditor, but subject to taxation, *ib.*
discharge may extend to sums payable by way of annuity, &c. *ib.*
court, &c. may order prisoner to be confined within walls of prison, *ib.*
court, &c. may order costs to opposing creditors out of estate, *ib.*
where opposition frivolous and vexations costs may be awarded to prisoners, *ib.*
court or commissioner to make order pursuant to adjudication, iii. 193 *i i*
justices to certify their adjudications to the court, *ib.*
specification of debts unnecessary in order of adjudication, *ib.*
where adjudication of discharge at a future period, prisoner may be arrested, &c. till period arrives, *ib.*
court may order detaining creditor to pay prisoner a sum not exceeding four shillings a week, *ib.*
before adjudication, prisoner shall execute warrant of attorney to confess judgment for amount of debts in schedule, iii. 193 *k k*
court may permit execution to be taken out thereupon, *ib.*
INSOLVENT DEBTORS, (general consolidation act.)—*continued.*
no scire facias necessary, iii. 193 *k k*
application ill-founded and vexatious, *ib.*
where insolvent shall after discharge become entitled to property which cannot be taken in in execution, assignee may apply to court for relief, *ib.*
manner of proceeding after the discharge of a prisoner, 193 *l l*
persons discharged under this act not liable to imprisonment for debts, to which adjudication extends, *ib.*
if arrested to be released by judge of the court from which process issued, *ib.*
who may order costs to be paid to him, *ib.*
after discharge, no execution to issue against insolvent for debts, &c. *ib.*
discharge under this act may be pleaded generally, iii. 193 *m m*
when debts satisfied, court may order warrants of attorney to be cancelled, &c. and re-assignment to be executed, *ib.*
when error in schedule without fraud, this act to operate upon actual amount of debt, *ib.*
persons who have already taken benefit of insolvent act, &c., not entitled to relief within five years, *ib.*
court, at request of creditors, may remove prisoners from the gaols in London, Middlesex, or Surrey, in certain cases, *ib.*
after such removal, creditors may oppose the discharge, as in other cases, *ib.*
expence of removal of prisoners; benefit of act not to be allowed to prisoners removed by *habeas corpus*, iii. 193 *n n*
court may permit such prisoner to be removed back at expence of any person willing to pay the same, iii. 193 *o o*
whereupon same proceedings may be had as in other cases, *ib.*
adjudication and order to be final, *ib.*
re-hearing in case of fraud in discharge, *ib.*
insolvent refusing to appear may be apprehended, &c., *ib.*
adjudication of discharge on rehearing, iii. 193 *p p*
amendment where order of discharge has been issued by mistake, *ib.*
prisoner may, after discharge, be examined as to estate and effects, *ib.*
committal of prisoner on refusing to appear and answer, *ib.*
persons wilfully omitting any thing in schedule guilty of a misde-

INSOLVENT DEBTORS, (general consolidation act.)—*continued.*
meanor, and liable to imprisonment, iii. 193 *q q*
indictment need only set out substance of offence charged, *ib.*
persons swearing falsely under this act liable to punishment inflicted for perjury, *ib.*
petition by married women, *ib.*
mode of proceeding with prisoners of unsound mind, iii. 193 *r r*
application may be made by person on behalf of such prisoners, *ib.*
court may discharge such prisoners, iii. 193 *s s*
may appoint assignees, *ib.*
may order judgment to be entered up, *ib.*
discharge not to extend to crown debtors, except with consent of treasury, *ib.*
prisoners under writ of *capias* or extent may apply to the barons of the Exchequer to be discharged, *ib.*
officer of court to produce proceedings, and give copies, iii. 193 *t t*
a copy of such proceedings under seal to be admitted as evidence, *ib.*
manner of proceeding on circuit, *ib.*
power of justices to compel attendance of witnesses, iii. 193 *u u*
clerk of the peace may issue subpœnas, *ib.*
examiners to be appointed for counties, *ib.*
their fees of conveying prisoner, *ib.*
fee to keeper for carrying each prisoner before the court, iii. 193 *x x*
expences of conveying prisoner to assize towns, *ib.*
as also the other expences in pursuance of act, *ib.*
sheriffs and other persons to be indemnified, *ib.*
action for escape, &c., *ib.*
what shall be sufficient to be set forth in the rules and proceedings of the court, *ib.*
before whom affidavits are to be sworn, iii. 193 *y y*
recovery of costs, *ib.*
court to admit attornies to practice therein, *ib.*
persons not duly appointed, practising as attornies, guilty of contempt, *ib.*
what shall be paid for insertion of advertisements, *ib.*
proceedings not liable to stamp duty, *ib.*
sales not liable to auction duty, *ib.*
court may invest unclaimed money, and apply profit towards expences of court, *ib.*
records of court, iii. 193 *z z*
court may permit, for a limited time, petitions and schedules to be filed in old forms, *ib.*

INSOLVENT DEBTORS, (general consolidation act.)—*continued.*
continuance of act, iii. 193 *z z*
form of conveyance and assignment, iii. 193 *z z*
INSURANCE,
among merchants, ii. 222, 223, 225 *n*
companies empowered by charter, ii. 227
cases relative to insurances, ii. 229. 232. 235. 237. in notes
charter companies may plead the general issue, ii. 238
on ships and merchandizes, ii. 239
cases and law, 239-246. 248, 249. in notes
INSURANCE ON LIVES, ii. 246, 247. in notes
INTESTATES ESTATES,
distribution of, ii. 356. 359
IRELAND. See *Union Acts*
IRISH FREEHOLDERS, viii. 485

J.

JEOFAILS, i. 232. 237. iii. 39. 203. and see *Pleadings*
JESUITS, i. 68. See *Papists*
JEWS, i. 11
to maintain their protestant children, i. 168-9
JOINT STOCK COMPANIES, i. 185
JOINT TENANTS, i. 312, 313, 314
JOINTURE, i. 409
JUDGES, iii. 1. 3. 5
to record nonsuits, iii. 5
authority, iii. 6, 7. 13. 21
oath, iii. 7
duties, iii. 8, 9, 10
JUDGMENTS,
to continue until reversed, iii. 11
as in case of nonsuit, iii. 217
law and cases, iii. 218, in notes
JURORS AND JURIES,
remarks on the ancient statutes, iii. 245
ancient statutes, iii. 245, 285.
regulations and qualifications, (Scotland,) iii. 285 *b.* 285 *o o*
regulations, relative to special juries and trials, in cities and towns, corporate (Ireland,) iii. 285 *k k* (*jury bill*), iii. 285 *g*
qualifications of jurors in England in superior courts, assizes, and sessions, iii. 285 *h*
in Wales, *ib.*
exemptions from serving on juries, *ib.*
aliens, except on juries de medietate, convicts, or outlaws, &c. disqualified, iii. 285 *i*
clerk of the peace to issue warrants to high constables, in July, *ib.*
clerk of peace to annex printed forms of precepts and returns to his warrant, *ib.*
high constable to issue precepts to churchwardens and overseers within their constablewicks, com-

JURORS AND JURIES.—*continued.*
manding them to make out the jury lists, iii. 285 *i*
where there are several high constables, each to be responsible for the duties required by this act, throughout the whole hundred, *ib.*
parishes, &c., extending into more than one hundred, *ib.*
justices of division, may order any extra-parochical place to be annexed to any adjoining parish or township for the purposes of this act, iii. 285 *k*
churchwardens and overseers to make out lists of persons qualified to serve on juries, with their residences, titles, &c., *ib.*
lists to be fixed on church doors, and also kept by churchwardens, *ib.*
petty sessions to be held in the last week of September, *ib.*
lists to be there produced, &c., iii. 285 *l*
petty sessions not to alter any list without notice to the party affected by the alterations, *ib.*
power of adjournment, *ib.*
lists after allowance by petty sessions to be delivered to high constable, and by him to the next quarter sessions, *ib.*
tax assessments and poor rates to be inspected, iii. 285 *l*
lists to be kept by clerk of the peace, and copied into a book to be delivered to sheriff, *ib.*
book to be called "the juror's book;" sheriff to deliver it to his successor, iii. 285 *m*
form of venire facias, and of precept for jurors at gaol delivery and sessions of the peace, *ib.*
juries to be returned from juror's book by sheriff, &c., *ib.*
sheriff, &c., on return of writs of venire facias, to annex a panel of jurors, *ib.*
if plaintiff sue forth a venire, &c., in order to trial, and proceed not, he may afterwards sue forth another, and try at any subsequent assizes, iii. 285 *n*
defendant may do the same, *ib.*
returns of jurors in the counties palatine, *ib.*
in Wales, *ib.*
copy of the panel to be kept in the sheriff's office, iii. 285 *o*
juries in all criminal courts to be returned as before, *ib.*
copy of panel to be delivered to parties indicted for high treason, *ib.*
exceptions, *ib.*
judge of assize, &c., may direct the same panel for the criminal and civil sides, and may direct two sets of jurors to be summoned,

JURORS AND JURIES.—*continued.*
one to attend at the beginning of each assizes, and the other to attend the residue thereof, to serve indiscriminately on the criminal and civil sides, iii. 285 *p*
summons shall be made out either for the first or second set, *ib.*
in case of views, the judge to appoint trial during the attendance of viewers, *ib.*
where jurors are to view lands, &c., court may order special writs of venire facias, distringas or habeas corpora, iii. 285 *p*
viewers in appearance to be sworn, *ib.*
jurors to be summoned ten days before the day of attendance, and for special jurors, three days' time for summoning; jurors for London, &c. as heretofore, *ib.*
names of jurors to be delivered to the associate, and balloted for juries in civil courts, *ib.*
where the jury have not brought in their verdict, twelve others to be drawn, *ib.*
the same jury, if not objected to, may try several issues in succession without being withdrawn, *ib.*
want of qualification in common jurors to be cause of challenge, iii. 285 *r*
not to extend to special jurors, *ib.*
where challenges not admitted, *ib.*
the king shall only challenge for cause, *ib.*
prisoner allowed twenty peremptory challenges only in felony, *ib.*
court to have the power of ordinary
special juries to be struck before the proper officer, *ib.*
qualifications of special jurors in English and Welch counties and in London, the sheriff shall extract from the jurors' book, the names of all men qualified as special jurors; and shall write them in a separate list, and prefix numbers to all the names in such list; and shall write all the numbers on distinct cards and put them in a box for safe custody, *ib.*
officer of court is to appoint the time and place for nominating the special jury, iii. 285 *s*
under sheriff or his agent to attend the officer with special jury's list and all the numbers; officer to put all the numbers in a box, and to draw out forty-eight, and to check them with the numbers and names in the list, *ib.*
and to deliver a list of the forty-eight names to each party to be reduced as heretofore, *ib.*
the parties may by consent have a special jury struck according to the ancient mode. The same

JURORS AND JURIES.—*continued.*
special jury may, by consent, try any number of causes. The court may discharge any man who has served as a special juror once during the same assizes, iii. 285 *t*
costs of special jury, *ib.*
fees to special jurors, *ib.*
mode of striking special juries in any county of a city or town, (except London,) to remain as heretofore, *ib.*
tales de circumstantibus, *ib.*
fine on jurors making default, iii. 285 *u*
sheriff indemnified in returning any person whose name is in the list, *ib.*
if he returns one not in the list, or if clerk of assize records appearances when the party did not appear to be fined, *ib.*
sheriff, &c., to register the names of jurors who have served, and give certificates, *ib.*
clerk of peace to make out a list of all who serve at sessions on grand or petty juries, and transmit the same to sheriff to register, *ib.*
certificates of services to be given by clerk of peace, iii, 285 *x*
jurors not to be summoned again within certain periods to assizes, *ib.*
nor to quarter sessions, *ib.*
no money to be taken to excuse persons from serving, *ib.*
none to be summoned but those named in the warrant, *ib.*
penalties on high constables for neglecting to issue precepts, &c. *ib.*
on churchwardens and overseers for neglecting to make out lists, iii. 285 *y*
on clerks of peace and sheriffs neglecting their duty, *ib.*
juries de medietate, iii. 285 *z*
justices not to be summoned at sessions, iii. 285 *a a*
inhabitants of Westminster not liable to serve at Middlesex sessions, *ib.*
qualifications of jurors in liberties, cities, and boroughs, to remain as before, *ib.*
in London, *ib.*
persons unless qualified to serve as juries in civil causes, not to be returned to serve on trials for capital offences, *ib.*
courts (of Nisi Prius) &c. in London, may fine jurors, *ib.*
qualification of jurors on inquests, &c., *ib.*
sheriffs, &c. may fine jurors for non-attendance, iii. 285 *b b*
persons summoned to serve on juries in inferior courts not attending to forfeit more than forty shillings, or less than twenty shillings, unless the court be satisfied with the cause of absence, *ib.*

JURORS AND JURIES.—*continued.*
fine leviable by distress and sale, iii. 285 *b b*
fine to be paid to the proper officer of court, to be disposed of as other fines of court, *ib.*
how fines and penalties shall be recovered and applied, *ib.*
form of conviction, iii. 285 *c c*
conviction not to be quashed for want of form, *ib.*
persons sued for any thing done in pursuance of this act may plead general issue, *ib.*
venue to be laid in the county where the fact is committed, *ib.*
writs of attaint to be abolished, iii. 285 *d d*
embracers and corrupt jurors punishable by fine and imprisonment, *ib.*
commencement of act, *ib.*
acts repealed, *ib.*
not to affect acts relating to Quakers and Moravians, iii. 285 *g g*
not to affect powers unrepealed, *ib.*
JUSTICES OF PEACE AND PUBLIC OFFICERS,
pleading in actions against, iv. 186, 189, 197
costs, vi. 186, 188. 190
acts extending to churchwardens and overseers, iv. 187
venue, iv. 187. 194. 197
notice, iv. 188, 189
tender of amends, iv. 189
payment of money into court, *ib.*
demand of copy of warrant in actions against constables, iv. 190
limitation of actions, iv. 191
actions against officers of excise and customs, iv. 191. 193
actions against public officers for offences committed out of Great Britain, iv. 194
notice and venue, iv. 194. 197
law and cases, iv. 186. 198, in notes
JUSTICES OF PEACE, vii. 470
persons qualified and disqualified, vii. 470. 472. 475. 477. 483. 485
authority, *ib.*
number in each county, vii. 471, 472
holding sessions, vii. 472
suits not to be discontinued by new commission, *ib.*
sheriffs not to be justices, vii. 473
commissions in towns corporate, vii. 473. 486
gaol delivery in towns corporate, *ib.*
warrants relative to the poor, vii. 474
power relative to rates and taxes, vii. 476
clerks fees, vii. 482
quorum justices, vii. 483. 486. 509 *t*
power to administer oaths in cases of distress for penalties, &c., vii. 486
power to act in certain cases without the limits of counties, vii. 487. 492
fines and forfeitures, imposed by justices out of session, vii. 489

JUSTICES OF PEACE.—*continued.*
to settle clerks of peace fees, vii. 490
administration of office of justice, in and near London, vii. 493. 509 *b.* 509 *l l.* 509 *pp.* 509 *h h h*
summary proceedings before justices, vii. 509
recovery of penalties on conviction of offenders, vii. 509 *u*
execution of warrants by constables, vii. 480. 509 *u*
administration of office within the district of Dublin, vii. 509 *y*
prevention of felonies in the same district, *ib.*
mortgages of county rates, vii. 509 *nn*

K.

KING'S BENCH.—to follow the king, iii. 4
one of the judges may sit apart for justifying special bail, iii. 21
despatch of business, iii. 283
KING'S BENCH PRISON, iii. 93. 98
KING'S DEBTS, iv. 225
officers accounts, iv. 225. 241. 246. 259
estreats iv. 227
discharge of debtors, iv. 228
recovery of debts, iv. 230
process wrongfully issued, *ib.*
mode of proceeding for recovery of debts, iv. 230. 241
sheriffs accounts, iv. 241. 259
security by officers, *ib.*
real and personal estate of officers made liable, iv. 246. 250
assignment of debts, iv. 252
recovery of fines and forfeitures, iv. 253
sale of lands of crown debtors, iv. 256
bail bonds to the king, iv. 263
extents in aid, *ib.*
proceedings for recovery of debts in Ireland, iv. 265
KNIGHT'S SERVICE, i. 206

L.

LABOUR AND SOLITARY CONFINEMENT. See *Larceny, &c.*
LABOURERS,
regulations, vii. 32
working under contract, vii. 50
repeal of acts fixing rates of wages, vii. 67
LANCASTER, iv. 1
writs upon exigents and proclamations, iv. 57
commissions for taking affidavits, iv. 65. 71
statutes of jeofails, iv. 68
return of writs, iv. 72
regulation of proceedings in court of Common Pleas, iv. 84. 87
special bail, iv. 85
removal of suits from inferior courts, iv. 86
LANDLORD AND TENANT,
recovery of estates of tenants absconding, (Ireland,) i. 396-404
recovery of lands unlawfully held over i. 405
distresses, iv. 150, 151, 152. 158. 179. 183. 185 *g*
suitors at courts, iv. 151
replevins, iv. 151. 160. 181
recordari to remove a plaint, iv. 153
pledges to prosecute, *ib.*
second deliverance, *ib.*
avowries, iv. 154, 155. 159. 180
executors of landlord, iv. 156. 160
sale of goods distrained, iv. 161
fraudulent removal of goods, iv. 163. 169
tenants holding over, iv. 165. 179
ejectment, iv. 166. 173. 174
rents seck, iv. 168
renewal of leases, *ib.*
attornment, iv. 173
recovery of rents where demise are not by deed, iv. 175
remedy when tenant deserts premises, iv. 178. 182
pleadings, iv. 180
distresses, (Ireland,) iv. 185. 185 *c.* 185 *g*
law and cases, iv. 150. 180, notes
LAND REVENUE OF THE CROWN,
distress for the king's debts, i. 469. 472. 473
accounts and payments, i. 470
wreck of the sea, i. 472. 474
presentation to advowsons, i. 473
prerogative in the custody of lands of idiots and lunatics, *ib.*
whales and sturgeons, i. 474
grants by the king, i. 476. 488, 489
lands of felons, *ib.*
proceeding on escheats, i. 475. 477. 479. 485. 518, 519. 583
privileges and franchises of religious orders revived and vested in the king, i. 480
title to concealed lands, i. 489. 503
informations of intrusions, i. 492
forfeitures for non-payment of rents, i. 493
sale of fee-farm and other rents, i. 494. 508. 607 *a*
fee-farm and other small rents vested in trustees, i. 498. 503
limitation of grants of manors, &c., i. 501
regulations for the management and improvement, i. 508. 520. 548. 585. 597
leases of crown lands, i. 533
map of New Forest, Hants, *ib.*
appropriation of monies, *ib.*
appropriation of lands for ecclesiastical purposes, *ib.*
royal mines, i. 550
lands at Great Yarmouth, i. 551
inclosure of Great Forest of Brecknock i. 553
inclosure of lands within the Forest of Sherwood, i. 558

LAND REVENUE OF THE CROWN.—*continued.*
exoneration of claims of crown on certain estates, i. 577. 594
regulation of rights of common in New Forest, i. 579
leases and grants of estates and offices, parcel of the duchy of Cornwall, i. 605. 607 *m*
deposition of real and personal estate, i. 518, 519. 583. 607 *p*
application of annuities standing in names of commissioners of the treasury, i. 607 *a*
prisage and butlerage of wines, i. 607 *n*
sale of lands by surveyor-general and commissioners of land revenue, i. 607 *s*
management and improvement of land revenues, (Ireland,) i. 607 *u*
Land Revenue Act, i. 608
acts repealed, except as relate to the duchy of Lancaster, i. 610
all other acts, so far as same are repugnant to this act, repealed, i. 611
repeal of said acts, not to revive any act repealed, or prejudice any sale, *ib.*
not to exempt from punishment offences after passing hereof, i. 612
manor of King's Cliffe, to remain as at present, *ib.*
remainder of Mr. White's rents to be sold notwithstanding repeal of 57 Geo. 3. c. 97, *ib.*
powers given to commissioners by 7 & 8 Geo. 4. c. 68., to borrow money on credit of land revenues in Ireland, to remain in full force, *ib.*
possessions and land revenues of the crown, placed under management of commissioners of woods, &c., *ib.*
commissioners to observe the directions of the treasury, i. 613
to be sworn, *ib.*
oath, *ib.*
salaries of, *ib.*
power to appoint and remove officers, *ib.*
officers to be sworn, i. 614
oath, *ib.*
commissioners empowered to appoint stewards of hundreds, &c. *ib.*
first commissioner may send and receive letters free of postage, *ib.*
two commissioners of woods may act, i. 615
and three of treasury, *ib.*
commissioners exempt from personal responsibility, *ib.*
acting auditors to be appointed in vacant offices till the remaining office of auditor of land revenue is determined, i. 616
auditing accounts of commissioners, i. 616

LAND REVENUE OF THE CROWN.—*continued.*
of sheriff of Wales, i. 617
one commissioner may sit in parliament, *ib.*
commissioners may grant leases for 31 years *ib.*
leases of certain buildings, and ground for building on, &c., may be made for 99 years, *ib.*
leases for gardens not to extend beyond duration of lease of house, to which same shall be attached, *ib.*
royal forests, i. 618
leases may be either in possession or reversion, *ib.*
provisions to be observed in granting leases, *ib.*
leases to be at rack rent, except in the cases after-mentioned, *ib.*
accepting a surrender not to be considered as taking a fine, *ib.*
in building leases for a term not exceeding 99 years, a nominal rent only may be reserved during the first three years, *ib.*
and a fine in lieu of any part, not exceeding one-third of rent, may be taken or not, *ib.*
amount of fines to be taken, i. 619
exceptions as to amount of fines and rents, *ib.*
leases of mines, *ib.*
commissioners empowered to sell, *ib.*
mode of carrying sales into effect, *ib.*
conveyances of rents sold to express whether the same shall be extinguished or enjoyed by purchaser, i. 620
fees payable in respect of rents purchased in Ireland, to remain payable to purchasers, *ib.*
on purchase of apportioning rents in Ireland, the lands to be entirely discharged, *ib.*
corporations empowered to purchase rents charged on their own lands, i. 621
trustees for incapacitated persons authorized to purchase rents, *ib.*
but if purchase money exceeds 200*l.*, with sanction of a court of equity, *ib.*
tenant of particular estates authorized to raise money to redeem quit rents, &c., i. 622
but if the money raised exceed 200*l.*, with sanction of a court of equity, *ib.*
commissioners may exchange lands, *ib.*
power to exchange freeholds for lands held under any particular estate, i. 623
power to give or receive money, for equality of exchange, *ib.*
his Majesty may grant sites for churches, &c., *ib.*
for confirming invalid leases, &c., i. 624

LAND REVENUE OF THE CROWN.—*continued.*
commissioners may take leases of manors, &c., i. 625
may purchase leases, *ib.*
may assign leases to certain persons as trustees for his Majesty, *ib.*
leases purchased under the authority of this act, may be either merged or kept on foot, *ib.*
crown leases purchased or received in exchange, may be re-sold, *ib.*
commissioners may purchase lands, &c., on behalf of the crown, i. 626
incapacitated persons empowered to sell rights of common, &c., *ib.*
in cases of contract with incapacitated persons, the premises to be previously surveyed, i. 627
application of purchase money in cases of incapacitated persons when amounting to 50*l.*, *ib.*
persons in possession deemed entitled to the premises until the contrary be shown, i. 627.
commissioners may apply any part of the land revenue to the redemption of the land tax, i. 628
commissioners invested with the powers given by land tax redemption act, to surveyor general, *ib.*
but all sales for redemption of land tax, to be made under authority of this act, *ib.*
sales, &c. to be made under warrant from treasury, *ib.*
survey to be made previously to any lease, &c. i. 629.
surveyor's oath, *ib.*
cases in which surveys may be omitted, *ib.*
for inrolment of deeds relating to land, &c. in England or Wales, *ib.*
auditors to inrol deeds in due order of time, and certify the same, i. 630
exception as to inrolment of conveyances on sales under 100*l.* *ib.*
deeds, &c. so inrolled in England or Wales, not to require any inrolment in courts of law, &c. *ib.*
certificates of inrolment of deeds, &c. shall be received in evidence, *ib.*
commissioners may authorize the making of *nunc pro tunc* inrolments of deeds, i. 631
inrolment of sales of copyholds for the purpose of enfranchisement and of manorial rights belonging to the crown, *ib.*
duplicates of conveyances, &c. of lands, &c. in Ireland, to be transmitted to the record office in Ireland, *ib.*
such duplicates or attested copies thereof shall be evidence of title, i. 631
deeds, &c. in Ireland, not to require inrolment in courts of law, &c. or any registry, i. 632
lessees, &c. not bound to see that the provisions of the act have been complied with, *ib.*
nor to be answerable for application of purchase money, *ib.*
auditor's fees not to be abridged, i. 633
fees on searches, &c. to be paid to commissioners and accounted for, *ib.*
conveyances, &c. to be free from stamp duty, *ib.*
no auction duty on sales, *ib.*
passing of this act not to vacate the appointments of receivers under former acts, or securities given by them, *ib.*
receivers in England to be land surveyors and resident within the districts for which they are appointed, i. 634
receivers to account to commissioners of woods, &c. *ib.*
commissioners to take verifications on examinations upon oath, *ib.*
penalty on receivers taking false oaths, *ib.*
receivers to transmit all sums received monthly, i. 635
receivers keeping monies in hand to be charged with interest, *ib.*
to give security, *ib.*
receivers of quit rents in Ireland to give receipts stating particulars, *ib.*
fees to be taken for such receipt, *ib.*
distinct fees may be taken for several rents included in one acquittance, *ib.*
receivers in Ireland to enter in a book (which the parties may sign) and return in to the record office, i. 636
collectors of excise to continue to receive rents in Ireland until receivers shall be appointed under the powers of this act, *ib.*
receivers empowered to distrain for rent, *ib.*
crown lessees, &c. in arrear to pay interest, i. 637
commissioners empowered to give notices, &c. *ib.*
power to commissioners to compound for rent, &c. i. 638
disputes respecting boundaries, &c. to be settled by arbitration, *ib.*
on abolition of the offices of chief justices in eyre, the powers thereof to vest in first commissioner, *ib.*

LAND REVENUE OF THE CROWN.—*continued.*
power to make compensation to parties relinquishing old encroachments on royal forests, i. 639
power to grant leases of forests for making railways, *ib.*
commissioners may contract for the sale or exchange of lands, not suited for timber in the forests where intermixed with lands of others, i. 640
forms of leases of parts of the forests, *ib.*
unlawful inclosures, &c. to be inquired of by the verderers, and the persons making the same fined, *ib.*
the verderers may appoint officers for executing the orders of the court, and fix fees, i. 641
court of attachments may inquire into the conduct of regarders, &c. and for neglect of duty may fine them, i. 641
act not to prevent proceeding by ordinary course of law, *ib.*
penalties not directed to be recovered before verderers may be recovered before a justice, *ib.*
application of penalties, i. 642
gravel, &c., not to be taken from forests, without consent, *ib.*
application of monies to arise from sales, &c., in the forests, *ib.*
sums arising from sales not immediately wanted to be invested in the three per cents., i. 643
dividends of stock so purchased to be applied in same manner as annual income of land revenues in England and Ireland, respectively, *ib.*
and stock so purchased to be sold when wanted, *ib.*
transfers may be made by power of attorney, i. 644
application of annual income of land revenues, *ib.*
the land revenues, on their resumption by the crown, to be charged with re-payment of certain sums expended in their improvement, *ib.*
accommodation of justices at great sessions in Wales to continue to be defrayed out of land revenues of the crown, i. 645
but not more than 10*l.*, at one time, *ib.*
commissioners to keep account with the bank, *ib.*
commissioners to cause all the sums received by their agents, &c., to be paid into the bank of England or Ireland, i. 646
commissioners to retain a sum for current payments, i. 646
payments to be made by drafts on the banks of England, *ib.*
and such drafts to be an authority to the bank, *ib.*

LAND REVENUE OF THE CROWN.—*continued.*
bank of Ireland may transfer money to bank of England, i. 646
on death or resignation of commissioners, cash in the bank to rest in survivor or survivors, i. 647
persons forging drafts, &c., guilty of felony, *ib.*
commissioners to certify to the king &c., what leases, &c., have been made, &c., *ib.*
act not to repeal or affect former acts, i. 648
power of making grants of escheated lands extended to Ireland, *ib.*
not to affect the control of the small branches of his majesty's revenue, *ib.*
act not to interfere with New-Street or Charing-Cross acts, i. 649
nor with the powers pertaining to the chancellor and council of the duchy of Lancaster, *ib.*
treasury may abolish any offices connected with the present management of crown property in Ireland, *ib.*
treasury may order removal of records, &c., in Ireland, i. 650
not to extend to lands seized on writs of outlawry, nor to fines on writs or lighthouse duties, *ib.*
no grant or lease to be made of any fines on writs or other fines, *ib.*
saving of rights, *ib.*

LARCENY,
former statutes, vi. 1-49
of goods on bleaching and drying grounds, vi. 31. 34
of letters from mail, &c., vi. 35. 38
mines, evidence for conviction, vi. 42. 48
of public records, (Ireland,) vi. 49

LARCENY AND OTHER OFFENCES,
repeal of former statutes, vi. 49 *a*
extent of repeal, vi. 49 *l*
consolidation of laws relative to larceny and other offences connected therewith, *ib.*
distinction between grand and petty abolished, *ib.*
punishments for simple larceny, *ib.*
for felony, punishable as simple larceny, *ib.*
labour and solitary confinement may be added to imprisonment, *ib.*
of public or private securities, *ib.*
rule of interpretation, vi. 49 *m*
robbery from the person, *ib.*
stealing from the person, *ib.*
assaults with intent to commit robbery, *ib.*
obtaining money by accusing party of infamous crime, *ib.*
sending letters demanding money with like threats, *ib.*
infamous crime, vi. 49. *m*
sacrilege, *ib.*

LARCENY AND OTHER OFFENCES. —*continued.*
burglary, vi. 49
breaking and stealing in a dwelling-house, vi. 49 *n*
what shall be considered part of dwelling-house, *ib.*
robbery in building not part of dwelling-house, *ib.*
robbery in shop, warehouse, &c., *ib.*
stealing goods in process of manufacture, *ib.*
stealing from vessels, *ib.*
plundering wrecks, *ib.*
possession of shipwrecked goods, *ib.*
offering shipwrecked goods for sale, vi. 49 *o*
——— records, &c., *ib.*
——— wills, *ib.*
——— writings relating to real estate, *ib.*
cattle, vi. 49 *p*
deer, *ib.*
suspected persons in possession of venison, *ib.*
proceedings of magistrates relative to deer stealing, *ib.*
engines for taking deer, *ib.*
pulling down park fences, *ib.*
seizure of guns by park-keepers, punishment for resisting keepers, vi. 49 *q*
killing hares or conies, vi. 49 *q*
dogs, *ib.*
birds or beasts usually kept in confinement, *ib.*
possession of birds or beasts, or skins thereof, *ib.*
shooting pigeons, vi. 49 *r*
robbing private fishery, *ib.*
provision respecting anglers, *ib.*
seizure of fishing tackle, *ib.*
——— of oysters, *ib.*
from mines, vi. 49 *s*
trees and shrubs, *ib.*
fences, *ib.*
suspected persons in possession of wood forming part of fences, vi. 49 *t*
fixtures to houses and buildings, *ib.*
fruit and vegetables, *ib.*
tenants and lodgers, *ib.*
clerks and servants stealing from masters, vi. 49 *u*
indictments, *ib.*
evidence to support indictment, *ib.*
embezzlement by agents, *ib.*
disposal of securities, not to affect mortgages, bankers, &c., vi. 49 *x*
factors pledging goods entrusted for sale, *ib.*
obtaining money by false pretences, vi. 49 *y*
receivers of stolen property, *ib.*
restitution of property, *ib.*
punishment for taking reward for recovery of stolen property, vi. 49 *z*
penalty for advertising reward for return of stolen property, vi. 49 *z*

LARCENY AND OTHER OFFENCES. —*continued.*
punishment of principals in the second degree in felonies, vi. 49 *z*
accessories. *ib.*
abettors in misdemeanors, *ib.*
abettors of offences punishable on summary conviction, *ib.*
apprehension of offenders without warrant, vi. 49 *a a*
granting search warrants, *ib.*
limitations as to summary proceedings, *ib.*
competency of witnesses, *ib.*
summary convictions, vi. 49 *b b*. 49 *c c*
mode of compelling appearance on summary conviction, *ib.*
application forfeitures and penalties on summary convictions, *ib.*
appeal on summary conviction, vi. 49 *c c*
venue, notice and plea in actions against persons acting under act, vi. 49 *d d*
act not to extend to Scotland or Ireland, vi. 49 *d d*
offences committed at sea, *ib.*
Ireland—consolidation of laws, relative to larceny, vi. 49 *d d*. 49 *y y*
receivers of stolen goods, vi. 50. 58. 62
stealing of woollen goods from the rack or tenters, vi. 52

LARCENY AND EMBEZZLEMENT OF PUBLIC MONEY STORES, &c.
embezzlement by receivers, collectors, and public officers, vi. 62. 67
penalty for having king's stores in possession, vi. 66
commissioners and treasurer of navy may punish offenders, vi. 68
counterfeiting hand of treasurer, vi. 69
convictions to be final, vi. 70
justices at quarter sessions may try offences, vi. 71
embezzlement of naval, ordnance, and victualling stores, vi. 73-83
——— of his majesty's cordage, vi. 83
powers of former acts extended to all public stores, vi. 84
obtaining money under false pretences, vi. 88

LAW,
amendment of i. 231

LAWYERS,
to take certain oaths, v. 36

LEASES,
for lives, evidence, i. 209
by tenants in fee, i. 377
fee-tail, *ib.*
by husband of wife's lands, i. 378
of parsonages or vicarages, *ib.*
to prejudice of heirs, i. 379
by husband and wife, *ib.*
by ecclesiastical persons attainted of treason, i. 379
of hospitals, i. 380
corporations, *ib.*

LEASES.—*continued.*
colleges, i. 380
by spiritual persons, i. 380. 384
of benefices, i. 385, 386.
of lands for relief of the poor, i. 387
rent to be reserved by colleges and universities, i. 388
of spiritual benefices, i. 389. 391. 393
of lands in joint tenancy, (Ireland,) i. 407 *a*
subletting lands, (Ireland,) *ib.*
LEET (COURT), iv. 89. 103
LETTERS PATENT, ii. 1
LIBELS,
slanderous news, vi. 201
slander of great men, vi. 201, 202
verdict of jury, vi. 203
in newspapers, vi. 204
blasphemous and seditious, vi. 208. 210
LIBERTY OF THE SUBJECT,
none to be condemned without trial, iv. 118
justice not to be sold, iv. 118
petition of lords and commons, concerning rights and liberties, *ib.*
regulation of privy council, iv. 120
abolition of star chamber, *ib.*
Habeas Corpus acts, iv. 124. 130
LICENCES. See *Alehouses*
LIFE ANNUITIES, ii. 293
LIFE ESTATES, i. 209. 238
LIMITATION OF ACTIONS, iii.
in writs of right, iii. 224
possessory actions, *ib.*
for rents, suits, or services, iii. 225
in formedon, iii. 229
law and cases, *ib.* notes
exceptions, iii. 226, 227
for seamen's wages, iii. 232
law and cases on the statutes, iii. 233
acknowledgment to take actions out of the statute, to be in writing or by part payment, iii. 244 *a*
LIMITATION OF TIME FOR TRAVERSING INQUISITION, i. 358
LINENS, &c.
designs for, ii. 36. 38
LOCKS ON RIVERS, v. 252
LORD'S ACT. See *Insolvent Debtors*
LORD'S DAY,
uniformity of common prayer, vii. 510
sacraments, *ib.*
forfeiture for not repairing to church, *ib.*
punishment of abuses, vii. 511, 512, 513
law and cases, vii. 513, 514, notes
LOTTERIES, vii. 269. See *Gaming*
LUNATICS,
enabled to renew leases, accept surrenders of old leases and grant new leases, i. 353
estates of may be sold or mortgaged, i. 354
committees may grant leases, *ib.*
when stocks standing in name of may be transferred by chancellor, i. 357
LUNATICS.—*continued.*
conveyance of estates held in trust by, i. 357
sale and mortgage of estates for payment of debts, i. 358 *h*
inquisitions, i. 358 *l*
repealed acts, vii. 515. 522. 546
custody of insane persons charged with offences, vii. 522. 537. 540. 543.
cure and maintenance of pauper lunatics, vii. 524. 535. 537. 541
regulations relative to the management and treatment of insane persons in *England*, vii. 545. 561. See *Idiots*

M.

MAIMING. See *Offences against the Person*
MAINTENANCE, ii. 334. vi. 222. 224, 225
MALICIOUS INJURIES TO PROPERTY,
setting fire to church or chapel, or manufactories, v. 285
destroying goods in the loom, or the machinery, *ib.*
thrashing and other machines, v. 286
setting fire to coal mines, *ib.*
destruction of mines, *ib.*
destruction of engines used in mines, *ib.*
rioters demolishing buildings, machinery, &c. *ib.*
setting fire to or destroying a ship, v. 287
damaging a ship, *ib.*
exhibiting false signals, *ib.*
destroying shipwrecked vessel or cargo, *ib.*
destroying sea, river, or canal banks, &c. *ib.*
injuring bridges, *ib.*
destroying turnpike-gates, toll-houses, &c. vi 286
breaking fishery or mill-dams, *ib.*
killing or maiming cattle, *ib.*
setting fire to corn stacks, crops, &c., *ib.*
destroying hop binds, *ib.*
destroying trees and shrubs, *ib.* 289
injuries to fruits and vegetables in gardens, v. 289
injuries to vegetables, &c. not growing in gardens, *ib.*
injuries to fences, &c., v. 290
damage to property not specially provided for, *ib.*
malice against the owner not necessary to conviction, *ib.*
principals and accessories, *ib.*
abettors in misdemeanors, v. 291
punishment by hard labour and solitary confinement, v. 291
apprehension of offenders, *ib.*
limitation of time for proceeding summarily, *ib.*
application of forfeitures and penalties on summary convictions, *ib.*

MALICIOUS INJURIES TO PROPERTY.—*continued.*
imprisonment on summary convictions, v. 292
discharge of offender summarily convicted, *ib.*
pardon, *ib.*
summary convictions bar to other proceedings, *ib.*
form of conviction, *ib.*
appeal to sessions, v. 293
conviction not to be quashed for want of form nor removed by certiorari, *ib.*
return of convictions to quarter sessions, *ib.*
evidence of conviction in future cases, *ib.*
venue in proceedings against persons acting under the act, *ib.*
notice of action, v. 294
general issue, *ib.*
act not to extend to Scotland or Ireland, *ib.*
not to extend to offences committed at sea, *ib.*
MALICIOUS DESTRUCTION OF DWELLING-HOUSES, (Ireland,) v. 294
consolidation of laws, (Ireland,) v. 295
penalty for injuring sea banks, vii. 76. 89
MANDAMUS, i. 176
for admission of freemen, i. 186
MANSLAUGHTER. See *Offences against the Person*
MARINE ACT, viii. 391
MARINERS,
acts relative to, ii. 51. 221 (457)
MARITIME COURTS, iv. 266
with what admiral and his deputy shall meddle, iv. 271
admiral's jurisdiction, *ib.*
remedy against court of admiralty, *ib.*
for avoiding suits in civil and marine causes, iv. 284
proctor's bills of costs in Ireland, iv. 289 *e*
MARRIAGE, i. 151, 152. 162. 165. 167 *f.* 167 *g.* 167 *o.* 167 *q*
persons prohibited, *ib.*
of lunatics, i. 155. 164
of clandestine marriages, *ib.* 161
of the royal family, i. 162
registers of, i. 164
to render valid marriages in India, i. 165
solemnized abroad, i. 167 *o*
registers of marriages, i. 103
MEMBERS OF PARLIAMENT, i. 6. 8
MICHAELMAS TERM, iii. 14. 16
MIDDLESEX ISSUES, iii. 281
MILITARY TENURES, i. 205
MILITIA,
suspension of ballots, viii. 380
disembodied militia act, *ib.*
MINES, i. 227. 550 See *Larceny, Malicious Injuries, &c.*
MISCARRIAGE. See *Offences against the Person*
MISDEMEANORS. See *Offences against the Person, Malicious Injuries to Property, Larceny*
MISPLEADINGS, iii. 39
MODELS OF BUSTS AND CASTS, copyright in, ii. 39. 44
MONEY. See *Coin and Bullion*
MONOPOLIES,
to be void, ii. 1
MORTGAGES, i. 226
redemption of, i. 243
foreclosure, i. 244
MORTMAIN, i. 195
no lands to be given in, i. 317, 318
forfeiture of, i. 318
impeachment of prelates for purchasing, i. 319
what shall be deemed mortmain, *ib.*
avoidance of mortmain assurances, i. 320
misemployment of charitable gifts, i. 321
in restraint of, i. 324
See *Charities*
MURDER, (Scotland,)
by shooting, stabbing, strangling, &c. v. 209 *l*
throwing sulphuric acid or other corrosive substance on person, *ib.*
See *Offences against the Person*
MUTINY ACT, viii. 348

N.

NATURALIZATION, i. 1-19
NAVAL OFFICERS,
punishment for receiving merchant goods, vi. 132
NAVIGATION,
in rivers, harbours, mooring king's ships, viii. 158
mooring merchant ships, *ib.*
breaming ships, viii. 160, 161
gunpowder in private ships, viii. 162
keeping guns shotted, viii. 161
sweeping for king's stores, viii. 162
ballast regulations, viii. 162-3
sunk vessels, viii. 164
commissioners of navy may act as justices, viii. 164-5
conviction for offences, viii. 165
appeal, viii. 166
limitation of actions, *ib.*
acts relative to navigation, ii. 51. 221 (457)
See *Ships and Ship-Owners*
NAVY,
land purchased for use of, i. 249. See *Marine Act and Seamen*
NEWSPAPERS,
regulations as to printing and publishing, vi. 203, 204. 210
stamps, vi. 210
NISI PRIUS WRITS, iii. 3, 4-6
NONCONFORMISTS. See *Religion*
NONRESIDENCE, i. 61. 110. 124 (Ireland,) i. 150 *u*
NONSUIT, iii. 217. See *Judgment*

NOTARIES, (Ireland,)
regulations, viii. 253
NOTES. See *Bills of Exchange*
NUISANCES,
disorderly houses, vi. 218
regulation of places of public entertainment, vi. 219
NUISANCE,
writ of, iii. 78

O.

OATHS,
(unlawful), v. 115. 132
to qualify for offices, i. 173-4. v. 22. 59 *a*. And see 9 G. 4. c. 17.
OFFENCES AGAINST THE PERSON, v. 209
old statutes and decisions, v. 195. 209
punishment for killing offenders in forests, v. 197
trials for murder in corporate towns, v. 199
trials for murders and felonies committed in several counties, v. 200
penalty for rescuing a murderer, v. 206
Consolidation Act
repeal of former statutes, v. 209
concealment of dead body of child, v. 209 *f*
petit treason to be treated as murder, v. 209 *c*
punishment of principals and accessories for murder, *ib.*
execution v. 209 *d*
sentence, *ib.*
power of judge to respite, *ib.*
dissection of bodies, *ib.*
prison regulations, v. 209 *d*
trial for murder when committed abroad, *ib.*
trial when injury committed in one place, and party dies in another, v. 209 *e*
attempts to murder, in what cases capital, *ib.*
manslaughter committed abroad, v. 209 *d*. 209 *e*
punishment for attempting to procure miscarriage, v. 209 *e*
punishment for sodomy, v. 209 *f*
punishment for rape, *ib.*
carnal knowledge of a girl under ten years of age, *ib.*
of a girl above 10 and below 12, *ib.*
proof, *ib.*
abduction of a woman on account of fortune with intent to marry her, *ib.*
of a girl under 16 years of age, *ib.*
child stealing-punishment, v. 209 *g*
bigamy-punishment, *ib.*
trial, *ib.*
exceptions, *ib.*
punishment for arresting clergymen during divine service, *ib.*
punishment for assaulting officers in preserving wrecks, v. 209 *g*
with intent to commit felony, *ib.*
on peace officers, *ib.*
OFFENCES AGAINST THE PERSON. —*continued.*
with intent to prevent the arrest of offenders, v. 209 *g*
on seaman to prevent him from working, v. 209 *h*
with intent to obstruct the buying or selling of grain, *ib.*
proceedings and punishment for common assault and battery, v. 209 *i*
punishment for master of vessel forcing seamen on shore, *ib.*
offences against the person committed at sea, *ib.*
act not to affect laws relating to the forces, *ib.*
conviction where party does not appear to a summons, *ib.*
form of conviction, v. 209 *k*
no certiorari on summary conviction, *ib.*
act not to repeal acts relating to high treason, revenue, or combinations, v. 209 *k*
not to extend to Scotland or Ireland, *ib.*
OFFENCES TO PROPERTY. See *Larceny, &c.*
OFFICES, SALE OF, ii. 325. 328. 333
penalty, *ib.*
law and cases, ii. 325, 327, notes
ORIGINAL WRIT, iii. 77
ORDINATION OF BISHOPS, &c. i. 45
OUTLAWRY,
reversal of, iii. 194
of impotent persons, iii. 195
proclamations, iii. 196
secret outlawries avoided, iii. 167
on malicious outlawries, iii. 199
OXFORD UNIVERSITY, i. 171
OYSTERS,
regulations, vii. 186

P.

PAPISTS, i. 77. See *Religion, Roman Catholics*
PARCENERS, i. 312
PARENT AND CHILD, i. 168. 207
PARLIAMENT, iii. 201, iv. 204
PARSONAGE HOUSES, i. 113. 122. 150, 150 *q*. 150 *t t*
PASSENGERS TO FOREIGN PARTS, ii. 221(76). 221 (315)
to Ireland, ii. 221 (82)
PATENTS, ii. 1. 3.
law relative to, iii. *n* (1) *n*, (2)
PATRONS OF ADVOWSONS, i. 64
relieved from penalties, i. 150 *x x*
PAWNBROKERS, viii. 1-16
PENAL ACTIONS, iv. 199
collusion of parties, *ib.*
regulations in actions by informers, iv. 200. 203
venue, iv. 205
pleading by defendant, iv. 206
penalties, fines, forfeitures, recognizances, &c. iv. 207. 212

PENALTIES,
levying of, under distress warrants by justices, vii. 159
PERJURY,
punishment, vi. 165. 168
subornation of perjury, vi. 166
application of forfeitures, vi. 167
trial of offences, *ib.*
statute to be proclamed, *ib.*
act not to extend to ecclesiastical courts, *ib.*
process upon witnesses, *ib.*
indictments and informations, vi. 169
PERSONAL ESTATE,
of inhabitants within province of York, ii. 361
of Wales, ii. 362, 363
of London, ii. 364
PETIT TREASON. See *Offences against the Person*
PILOTS, ii. 131
PILOTS AND PILOTAGE, ii. 221 (319). 221. (456)
PILLORY,
abolition, vi. 320
PIRACY,
admiralty jurisdiction, vi. 122
trial and punishment, vi. 123, 124. 126. 130
accessories, vi. 128, 129. 131
reward for defending ships against pirates, vi. 129
reward for discovering combination, *ib.*
furnishing pirates with stores, vi. 131
boarding vessels and throwing goods overboard, *ib.*
privilege of seamen wounded in fighting against pirates, vi. 132
forfeiture for making no defence, *ib.*
masters to advance but one half of wages of seamen while beyond sea, *ib.*
subjects or denizens during war committing hostilities, vi. 134
reward for capture or destruction of pirates, vi. 135 *a*
PLAYERS, vi. 233
penalties and punishment for acting plays without license, viii. 16, 17
licences by magistrates, viii. 19
PLATE. See *Coin and Bullion*
PLEADINGS, i. 232
in debt and *scire facias*, i. 235
amendment of record, iii. 203
to be in English, iii. 213. 215
in actions on contract, iii. 204
amendment after judgment, *ib.* 205. 209
in other cases, iii. 206
when informal judgment not to be reversed, iii. 207
in cases of demurrer, iii. 207
amendment of writs of mandamus, iii. 208
of writs of error, iii. 213
of records in cases of variance between record and written evidence, iii. 292 *a*
of bargain and sale, iii. 212
PLEADINGS.—*continued.*
of fee-farm rents, iii. 212
not proceeding to trial after issue joined, iii. 217
PLEAS,
in superior courts, iii. 2
to be not for less than 40*s.* *ib.*
law and cases, *ib.* *n* (1)
PLEAS OF LAND, iii. 4
PLURALITIES, i. 28
POLICE OF THE METROPOLIS,
administration of justice, vii. 493. 509 *b*, 509 *l l*
establishment of new police office and magistrates, vii. 509 *p p*
POOR CLERGY. See *Curates and Augmentation of Livings*
POOR,
regulations, by stat. Eliz. viii. 21
law and cases on the statutes, viii. 20. 30. 33. 39. 69. 72. 74. 76. 81. 83. 113, 114, 115. 120
amendment of laws, viii. 69. 72. 75. 78. 86, 87
amendment relative to settlements, viii. 77
relief of children left by their parents, &c. viii. 79
certificates by churchwardens, &c. viii. 83
notice of rates, viii. 84
rates on improved wastes and drained lands, viii. 85
relief, management, and employment, viii. 21. 33. 89. 117. 119. 138. 141. 156
workhouses and poorhouses, viii. 111. 123, 124. 126. 130
removal, viii. 112
rates, viii. 21. 85. 120. 157
contracts for maintenance and employment, viii. 81. 125. 131
amending law relative to examination of paupers, viii. 126
accounts of churchwardens and overseers, viii. 128
repeal of act relative to poor wearing badges, viii. 132
time of appointment of overseers, viii. 133
local acts, repeal and amendment, viii. 134. 141
embezzlements in poor-houses, viii. 136
settlement by renting, viii. 154. 157
separation of towns corporate from parishes, in regard to maintenance, viii. 155
settlement by apprenticeship, 203
POPISH RECUSANTS, i. 45. 65
POPULAR ACTIONS. See *Penal Actions*
POST FINES, i. 445
POSTHUMOUS CHILDREN, i. 230
POST OFFICE,
stealing from, vi. 136
PRESENTATION TO BENEFICES, v. i.
PRIESTS,
appointment of foreign, i. 94. 99

PRIMER SEISINS, i. 206
PRINTS. See *Copyrights*
PRISONER FOR DEBT,
not allowed to go at large, iii. 82
regulations, iii. 93. 98. 101. 109. See *Arrest*
PRIVILEGE OF PARLIAMENT,
delays prevented, iii. 201
of proceeding in case of non-appearance, iii. 202
PRIVY COUNCILLOR, i. 6
attempting life of, v. 100
PRIZAGE OF WINES, i. 209
PROBATES OF WILLS, i. 237. See *Executors*
PROCESS,
delivery of to sheriff, iii. 79
non omittas clause, *ib.*
return by sheriff, iii. 80
of exigent, iii. 81
in debt, detinue and replevin, *ib.*
against clergymen, *ib.*
in actions upon the case, iii. 85
to express true cause of action, iii. 86
against prisoners, iii. 87. 95. 211
when fifteen days between teste and return unnecessary, iii. 88
not to be served on Lord's day, iii. 91
law and cases, *ib. n* (1)
execution within particular franchises, iii. 108
unexecuted to be delivered to new sheriff, iii. 109
criminal process, vi. 259
PROMISSORY NOTES, ii. 254. 256. See *Bills of Exchange*
PUBLIC ACCOUNTS, iii. 23 *y*
PUBLIC STORES,
embezzlement, vi. 65. 85
PURVEYANCE, i. 208

Q.

QUAKERS, i. 10
affirmation of, i. 272. 274
QUARANTINE, vi. 142
former acts repealed, vi. 158 *a*
regulations, punishments, and penalties, vi. 158 *a*, 158 *n*
QUARE IMPEDIT, i. 64. 67. iv. 133. 138
QUEEN ANNE'S BOUNTY, i. 62. 69. 96. See *Curates and Spiritual Persons*
QUIA EMPTORES, i. 194
QUI TAM. See *Penal Actions*
QUO WARRANTO, i. 176. 187
QUOD PERMITTAT, writ of, iii. 78

R.

RAPE,
old statutes and law and cases thereon, v. 209 *m*. 207. See *Offences against the Person*
REAL ACTIONS,
dower, iv. 133, 135, 137
darreign presentment, *ib.*
quare impedit, *ib.*
entry sur desseisin, iv. 134
writ of right, *ib.*
infants' plaintiffs, iv. 135
mortdauncestor, *ib.*
REAL ACTIONS.—*continued.*
writs of entry, iv. 136
for recovery of advowsons, iv. 138
waste, iv. 140, 143
voucher to warranty, iv. 142
summons and attachments, iv. 144
essoigns, *ib.*
juris utrum, iv. 145
benefices, iv. 145
novel disseisin, iv. 146, 148
reversioners, *ib.*
limitation of time for bringing actions, iv. 147
pleading, iv. 149
proclamation to avoid outlawries, iv. 149
REAL ESTATES, i. 190
RECEIVERS OF STOLEN GOODS, &c. vi. 35, and see *Larceny*
RECOVERIES,
avoiding of, i. 235
where feigned when the King is in reversion, i. 428
taken before justices in Wales, i. 430
suffered by collusion of tenants for life, and others, i. 433
writs of error, i. 434
when reversible by writs of error in Wales, and Counties Palatine, i. 437
valid without surrender of freehold leases, i. 443
evidence, *ib.*
of copyhold and customary lands, i. 448. See *Fines*
REGISTERS, i. 103
REGISTRY OF BRITISH VESSELS, ii. 221 (258)
of ships and vessels, ii. 221 (46)
of ships and vessels registered in the *East Indies*, *ib.*
RELIGION,
uniformity of common prayer, v. 12
administration of sacraments, *ib.*
penalty for not attending church, v. 17
Popish recusants, v. 19, 22
Papists disabled from sitting in parliament, v. 26
dissenters exempted from penalties, v. 31, 37, 59
blasphemy and profaneness, v. 36
RENT. See *Landlord and Tenant, and Distress*
RENTS CERTAIN, i. 207
REPEALED STATUTES, i. cxxix-cxlviii
REPLEVIN, iv. 150. See *Landlord and Tenant*
RESIDENCE OF CLERGY, i. 79, 92, 97, 101
RESIGNATION OF ECCLESIASTICAL PREFERMENTS, i. 150 *f f f*
REVENUE. See *Felony relating to the Revenue, and Land Revenue*
REVERSIONS, GRANTEES OF, i. 200
RIOT, v. 217
before the judges, v. 218
suppression of riots, v. 220, 221
inquiry by commission, v. 222

RIOT.—*continued.*
confederacies of free masons, v. 222
threatening to burn houses, &c. v. 223
assaulting persons coming to parliament, *ib.*
inquiry by jury, v. 224
regulation of King's household, v. 225
burning of frames, v. 230
riots in churches and churchyards, v. 231
for prevention of riotous assemblies, v. 237
persons going armed in disguise, v. 242
breaking down turnpikes, locks, wears, &c. v. 249. 251, 252
preventing exportation of corn, v. 256. 268
injuries to collieries, v. 258. 270
injuries to machinery, vessels, &c. v. 263. 268. 277. 280
law and cases, v. 217. 278. See *Malicious Injuries to Property*
RIVERS AND NAVIGATION, viii. 158. See *Navigation*
ROBBERY. See *Larceny, &c.*
ROLLS COURT. See *Courts of Equity*
ROMAN CATHOLICS
relieved from disabilities, viii. 41. 46. 54. 59 *a*
dissenting ministers and schoolmasters, viii. 43
abuses on the Lord's day, viii. 44
places of religious worship to be registered, viii. 55

S.

SACRAMENT. See *Oaths*
SALE OF GOODS, i. 211
of grain in Ireland, ii. 367
SALVAGE, ii. 51. 168. 181
SAVINGS BANKS, ii. 367
acts repealed, *ib.*
not to invalidate appointments, *ib.*
what institutions shall be entitled to the privileges and benefits of this act, ii. 368
banks not to be formed unless approved by justices at sessions and commissioners of national debt, *ib.*
rules of institution to be entered in book, and copy deposited with clerk of the peace, *ib.*
not to prevent alterations, *ib.*
alterations to be entered and deposited also, *ib.*
rules and regulations to be submitted to a barrister, ii. 369.
justices at sessions may reject any rules, *ib.*
manner of signifying such objections, *ib.*
clerk of the peace to give notice of rejection, *ib.*
rules when entered to be binding, *ib.*
copy of transcript to be received in evidence, *ib.*
SAVINGS BANKS.—*continued.*
treasurer, &c. not to derive any benefit from the institution, ii. 370
treasurers, &c. intrusted with receipts or money to give security, *ib.*
effects of institution vested in trustees for time being, *ib.*
liability of trustees, &c. ii. 371
treasurer, &c. to account and deliver up effects when required, *ib.*
trustees shall invest money in bank of England or Ireland only, *ib.*
not to prevent depositors withdrawing their money, *ib.*
trustees employed to pay into bank of England or Ireland any sum not less than 50*l.* to account of commissioners for reduction of national debt, *ib.*
previous to payments, an order of two trustees to be produced, ii. 372
not to prevent trustees receiving money to be employed any other way, *ib.*
central banks may invest the money of branch banks, *ib.*
penalties on false declaration to obtain receipts, *ib.*
money paid on savings banks account, to be invested in bank annuities or exchequer bills, *ib.*
on payment of money into bank to account of national debt commissioners, their officers shall give receipt for the same carrying interest at two and a half per cent. per diem, *ib.*
interest to be calculated half-yearly to 20th November and 20th May, and carried to account as additional principal, ii. 373
no interest on fractional parts of a pound, *ib.*
interest may be calculated twice a year, and carried to credit of depositors as principal, *ib.*
before drawing money trustees shall sign appointment of agent to receive the same, which appointment shall be deposited with commissioners, ii. 374
appointments may be revoked and others granted, *ib.*
trustees may draw for whole or part of any sum placed to their account, by drafts on commissioners, which shall be indorsed by their officer with interest added thereto and paid by cashiers of the bank, *ib.*
drafts above 5000*l.* to be signed by four trustees and attested by separate witnesses, ii. 375
draft for 10,000*l.* not to be paid until after fourteen days, ii. 375
orders for more than 10,000*l.* for same bank, not to be issued in one day, *ib.*

SAVINGS BANKS.—*continued.*
trustees appearing in person may receive payments, ii. 375
trustees, &c. to ascertain amount of surplus fund, and appropriate it, *ib.*
from 20th November, 1828, surplus to be paid to national debt commissioners, ii. 376
interest not to exceed 2¼ per cent. per diem, *ib.*
savings of minors may be invested, *ib.*
deposits of married women, *ib.*
charitable societies may invest sums not exceeding 100*l.* per annum, or 300*l.* in all, *ib.*
friendly societies may subscribe any portion of their funds into savings banks, ii. 377
proviso, *ib.*
receipt of treasurer of friendly society or charitable institution deemed sufficient discharge, *ib.*
members of friendly societies not liable to disability, by subscribing to any other institution under this act, *ib.*
regulations, &c. of this act extended to payments, &c. under 59 G. 3. c. 128. *ib.*
no sum to be subscribed without name and profession of depositor, *ib.*
persons allowed to subscribe as trustees on behalf of others, ii. 378
subscribers shall subscribe to one savings bank only, *ib.*
declaration to be made at time of subscription, *ib.*
penalty of false declaration, forfeiture of deposit to sinking fund, *ib.*
declarations shall be filed, *ib.*
trustees not to receive from one depositor more than 30*l.* in one year, or than 150*l.* in all, *ib.*
when deposit and interest amount to 200*l.* interest to cease, ii. 379
not to affect deposits of 200*l.* at passing of this act, *ib.*
trustees not to receive from persons whose deposits amount to 150*l.* *ib.*
depositors may withdraw their deposits and subscribe again, but not more than 30*l.* in one year, *ib.*
deposits may be withdrawn from one savings bank and deposited in another, *ib.*
depositor dying leaving any sum exceeding 50*l.* the same need not be paid until after administration, ii. 380
no duty to be paid on probate where the estate is under 60*l. ib.*
certificate of amount and value of depositor's interest to be produced claiming probate, &c. ii. 320
administration bonds, &c. for effects under 50*l.* exempt from stamp duty, *ib.*

SAVINGS BANKS.—*continued.*
where effects of a person dying intestate do not exceed 50*l.* they may be divided according to rules of institutions, ii. 380
payment to persons appearing next of kin, declared valid, *ib.*
remedy for next of kin, ii. 381
payments under probates of wills, &c. appearing to be in force, shall be valid, *ib.*
powers of attorney and given by trustees or depositors, not liable to stamp duty, *ib.*
disputes arising to be referred to arbitrators, and in case of their not agreeing to be settled by a barrister, *ib.*
trustees of banks shall make up annually accounts of their progress, &c. and transmit them to national debt commissioners, *ib.*
if trustees neglect to transmit such accounts, &c. commissioners may close their account, ii. 382
a duplicate of account shall be affixed in savings bank office, *ib.*
accounts to be laid annually before parliament by national debt commissioners, *ib.*
savings banks to compute interest to 20th November and 20th May, half yearly or yearly, *ib.*
commissioners may purchase exchequer bills, ii. 383
comptroller-general to certify to the treasury quarterly, the amount of principal and interest paid for exchequer bills, *ib.*
three per cent. annuities created by purchase of exchequer bills to be chargeable upon consolidated fund, ii. 384
exchequer bills to be delivered to paymaster of exchequer bills, to be cancelled, *ib.*
commissioners may sell any part of bank annuities, *ib.*
treasury may issue exchequer bills on application of national debt commissioners for payment to savings banks, *ib.*
banks of England or Ireland may make advances to commissioners upon such exchequer bills, *ib.*
how such exchequer bills shall be paid off by national debt commissioners, ii. 385
regulations to be observed when such bills are paid off by advances from sinking fund, *ib.*
national debt commissioners may keep a balance in bank of England for drafts which may be drawn, *ib.*
receipts, &c. shall be in form, approved by commissioners, ii. 386
indemnity to commissioners and banks of England and Ireland, *ib.*

SAVINGS BANKS.—*continued.*
commissioners may employ clerks, ii. 386
treasury may pay them, and discharge incidental expences, *ib.*
act to extend to all savings banks in England and Ireland, *ib.*
SCHOLARS OF COLLEGES, i. 41
SCOTLAND,
union acts, viii. 446
hereditary revenue, i. 597
SEA BANKS, v. 252. 255
SEAMEN,
forcing on shore. See *Offences against the Person*
in merchant service, ii. 77. 117
employed in coasting trade, ii. 101. 122
left abroad, ii. 150
recovery of wages of merchant seamen, ii. 155
bastards of dying intestate, ii. 158
payment of wages of, ii. 165
wills of, ii. 165
letters of attorney by, ii. 165
deserting from merchant vessels, ii. 221 (43)
punishment for disturbances, vi. 67, 70
wages, ii. 221 (376)
limitation of actions, for, i. 236
SEDUCING ARTIFICERS, vi. 170
SEDITIOUS MEETINGS, viii. 167-182
regulations, penalties and punishments, vi. 172, 188
repeal of statutes and parts of statutes, vi. 188 *a* See *Artificers*
SERGEANT AT LAW, iii. 20
SERVANTS,
servants employed in trades and manufactures, viii. 182, 183. 188. 193. 203, 204. 206. 245
negligently setting fire to houses, viii. 184
combinations of, viii. 184. 187. 193. 203, 204. 206. 227
combination laws consolidated, viii. 251 *m*
wages, viii. 184. 187. 193. 203, 204. 244, 245. 248
recovery of penalties, viii. 206
counterfeiting certificates of characters of servants, viii. 226
forms of conviction, viii. 238
regulation of cotton factories, viii. 246, 247
preservation of health of young persons, viii. 246, 247. 251 *a*
disputes between masters and servants, viii. 222. 239. 251. 251 *b*. 251 *y*
SESSIONS,
residences of justices, viii. 251 *z*
time of holding, *ib.*
division of court, viii. 252
petty sessions, (Ireland,) viii. 255 *a*
Westminster sessions, viii. 225 *f*
SET OFF,
law and cases, iii. 220. 223 *n*
in cases of insolvent debtors, iii. 222, 223
SHEEP,
penalty for depasturing diseased sheep on common lands, viii. 256
SHERIFF,
fees of, iii. 82
penalty for delivering warrant without writ, iii. 104
limitation of time for return, iii. 109
SHIPS,
stranded or forced on shore, ii. 72, 76
ransom of ships captured, ii. 88
foreign built, ii. 89
transfer of, ii. 104
law relative to transfers, ii. 106. 112 notes
regulation of in harbours, ii. 141
power of lords of treasury, to restore seizures, ii. 148
built at Malta, Gibraltar, and Heligoland, ii. 161
repeal of former acts relative to the registries, ii. 221 (46)
new regulations relative to registries, *ib.*
regulation of, relative to carriage of passengers to foreign parts, ii. 221 (76)
to Ireland, ii. 221 (82)
SHIPPING,
encouragement of, ii. 53. 221 (255)
law relative to, ii. 52. 56. 59. notes
SHIP-OWNERS,
acts relative to, ii. 51. 221 (457). 80. 86
when answerable for acts of masters, ii. 86. 98
frauds committed on, ii. 124
responsibility of, ii. 133
preventing frauds on, ii. 168. 181
SHIPWRECKED GOODS,
stealing of, ii. 81
SIMONY, i. 41. 59. 64
SLAVE TRADE. See *Felony relative to the Slave Trade*
SMUGGLING,
amendment of laws for prevention of, ii. 221 (225)
SOCAGE, i. 206
SODOMY. See *Offences against the Person*
SOLDIERS,
seducing to mutiny, v. 115
punishment for offences committed beyond seas, v. 134
SOLICITORS. See *Attornies*
SPIRITUAL PERSONS, i. 29. 39. 45
holding farms, i. 124 (Ireland)
trading, i. 150 *u*
agreeing to resign exempted from penalties, i. 150 *y y*. 150 *f f f* See *Benefices, Bishops, Deacons, Chaplains, and Curates*
See *Ecclesiastical Courts*
SPRING GUNS AND MEN TRAPS,
persons setting in certain cases liable to misdemeanor, vii. 268
STAGE COACHES,
regulations relative to outside passengers, viii. 261

STAGE COACHES.—*continued.*
punishment for wilful misconduct of drivers, viii. 270
licensing and duties, viii. 271. 271 *f*
STAMPS,
consolidation of board of, ii. 221 (427)
STANNARIES, i. 209. iv. 206
STAR AND BENT, vii. 89
STATUTES,
printed by king's printer to be evidence, iv. 262. See *Repealed Statutes*
STATUTE MERCHANT, i. 363
STEALING. See *Larceny, &c.*
STOCK,
transfer in certain cases, ii. 337
STOCK-JOBBING,
prevention of, ii. 320
law and cases, ii. 320, 321, notes
STEALING. See *Larceny, Felony, &c.*
STORES,
embezzling. See *Felony*
SUBPŒNA IN EQUITY, i. 237
SUMMARY CONVICTION. See *Larceny.—Offences against the Person*
SUNDAY. See *Lord's Day*
SUPERIOR COURTS, (Westminster.)
judges to regulate fees of officers, iii. 76 *a*. See *respective Courts*
SUPREMACY OATH, i. 6, 19
SWEARING,
penalties and punishment, viii. 271 *n*
repeal of clause requiring to be read quarterly, viii. 274 *a*
SWINDLING, vi. 86. See *Larceny, &c.*

T.

TENANT IN TAIL,
statute de donis, i. 193
reversion in the crown, i. 426
leases by, i. 377. 428
lands purchased for, i. 246
TENANT BY CURTESY,
warranty of land by, i. 192
TENANT IN COMMON,
may maintain waste against co-tenant, i. 312.
compellable to make partition, iii. 314
TENANT FOR YEARS, i. 199
TENANT FOR LIFE, i. 209. 238
TENURES,
abolition of ancient military tenures, i. 205
TERMS,
Trinity, iii. 11
Michaelmas, iii. 14, 16
TITHES, i. 255
prohibition for, *ib.*
to be paid according to custom, i. 256. 258
subtraction of, *ib.*
lands discharged from, i. 257. 260
recoveries and conveyances of, i. 260
remedy for, *ib.*
payment of, in London, i. 261
how to be paid, i. 265
setting out, *ib.*
ITHES.—*continued.*
of cattle fed on waste, i. 266
of waste land, *ib.*
of personal tithes, i. 267
of handicraftsmen, *ib.*
of offerings, *ib.*
of fish, *ib.*
of houses, *ib.*
suits for, *ib.*
jurisdiction of ecclesiastical court for, i. 269
payment of small tithes, i. 269
quaker's tithes, i. 273, 274
of hemp and flax, i. 274
compositions for, in Ireland, i. 276 *a*. 276 *f f*
for the more easy recovery of small tithes, i. 276 *q q*. 276 *r r*
TITLES,
purchase of, ii. 234
law and cases, ii. 335, 5 *n*
TRADE,
acts relative to, ii. 51, 221 (457)
with plantations, ii. 51, 71
regulation of, between America and West Indies, ii. 204. 214. 221 (5)
consolidation of laws relative to trade in the East Indies, ii. 231 (64)
goods consigned to factors and agents liable to lien, &c. ii. 221 (75)
of colonies in America and West Indies 221 (106)
of British possessions abroad, 221 (286)
of the Isle of Man, 221 (309). See *Ships, Ship Owners, Navigation, Insurance, &c.*
TRADING COMPANIES, ii. 221 (121)
TRANSFER OF STOCK,
persons equitably and beneficially interested relieved, ii. 337
infants, ii. 339, 340
mutual transfer of English and Irish stock, ii. 341 *a*
TRANSPORTATION, vi. 287
TREES. See *Malicious Injuries to Property*
TREASON, &c.
offences adjudged treason, v. 61. 66. 84
forfeiture of lands, v. 62
compassing death of the king, &c. v. 63
succession to Henry 8. v. 65
when committed by a lunatick, v. 68
trial by commission of oyer and terminer, v. 70
trial for treasons committed out of the kingdom, v. 72
repeal of old statutes, v. 72. 81
punishment of, v. 78
forging coin or counterfeiting sign manual, v. 82
reversal of attainder, v. 88
regulation of trials, v. 89. 129
hindering succession to the crown, v. 92, 94
for corresponding with enemies or raising mutiny, &c. v. 93. 103. 115

TREASON, &c.—*continued.*
trial of, in *Scotland*, v. 98
for attempting the life of a privy counsellor, v. 100
punishment for seducing soldiers, v. 101, 137
defence on trial by council, v. 103
provision of 7 Anne, c. 21, not to extend to indictments for counterfeiting the coin, v. 104
punishment for setting fire to dockyards, &c. v. 105
by women, v. 105
compassing the death or deposition of the king, v. 106
by writing to bring the king or government into contempt, v. 107
seditious meetings and assemblies, v. 108. 117. 130. 136, 137. 142 *a*
unlawful oaths, v. 116. 132
forfeiture of inheritances, v. 129
assisting prisoners of war to escape, v. 134
alteration of punishment, v. 135
TRIALS,
of averment on writ of false judgment, iii. 247
at nisi prius for Middlesex, iii. 253. 265. 274. 281, 282. 285 *a*
at nisi prius, for London, iii. 282
in cities and towns corporate, iii. 277. 285 *k k*
superior courts may issue writs of habeas corpus for prisoners to give evidence, iii. 280
upon circuits, iii. 285
TRINITY COLLEGE (DUBLIN)
sole right of printing books bequeathed, ii. 41
TRUST MONIES,
when directed to be laid out in purchase of real estates, i. 246, 247
TRUSTEES,
conveyances of estates, &c. vested in, 358 *h*. See *Idiots, Lunatics*
TRUST ESTATES,
subject to execution, i. 211
TURNPIKES,
amendment and regulation of laws relative to turnpike roads in England, vii. 419. 469 *n* 469 *x x*
repeal of former acts, *ib.*
justices of divisions trustees, vii. 469 *a a*
provision for money paid into court under repealed acts, vii. 469 *c c c*

U.

UNDERWRITERS,
prevention of frauds on, ii. 168. 181
UNIFORMITY OF PRAYER, i. 45. 55. 77
UNION ACTS,
between England and Scotland, viii. 446
between Great Britain and Ireland, viii. 462
UNIVERSITIES,
to present to benefices of Papists, i. 59. 65. 76
to have a copy of new books, ii. 46
appointment of constables, iv. 88 *k*
punishment of prostitutes, *ib.*
UNLAWFUL OATHS, v. 115. 132
USES,
statute of, i. 409
law and cases, i. 409, 414, notes
USURY, ii. 264. 283. 285, 286
propriety of the law discussed, ii. 268, notes
law and cases, ii. 269. 273, *n* (3)
rate of interest reduced, ii. 287, 288. 290. 291

V.

VAGRANTS,
punishment of rogues, vagabonds, and idle and disorderly persons, viii. 278-9. 294. 299
examinations by justices, viii. 292
expenses of passing vagrants, viii. 293
relief of soldiers, sailors, and mariners, and their wives, viii. 296
repealed acts, viii. 299
VIEW BY JURORS, i. 234
VENIRE FACIAS, HOW AWARDED, i. 233

W.

WALES, iv.
statutum walliæ, iv. 1
lords of marches, iv. 15
jurors, iv. 17. 59
passage of offenders over the Severn, iv. 18
councils, iv. 19
abuses of forests, iv. 20
rights and privileges of the crown, iv. 21
laws and law courts, sessions and divisions of counties, iv. 25. 36
exigents and proclamations, iv. 55
appointment of justices of assize, iv. 61
court of marches dissolved, iv. 66
frivolous and vexatious suits, iv. 67, 68. 74
statutes of jeofails, iv. 68
mode of signing judgments, iv. 68
included in statutes when Great Britain, England only mentioned, iv. 72
regulations of proceedings and practice in courts of great essoins, iv. 74. 84. 88 *a*
county courts, iv. 84
WARDEN OF THE FLEET,
bill against, may be filed in vacation, iv. 395
time of filing to be indorsed on bill, *ib.*
WAREHOUSED GOODS,
regulations, ii. 221 (5). 221 (276).
WARDS AND LIVERIES, i. 205
WARDS,
ravishment of, i. 207
WARRANTS OF ATTORNEY, i. 232

WARRANTS,
to sheriffs on writs, iii. 103
to justices to be executed in a different county, vii. 480
against persons escaping to a different part of the kingdom, vi. 235
WARRANTY, i. 192
by tenant for life, i. 232
WASTE,
actions for, i. 193
by tenants in common, i. 312
not to be made on farms, iii. 77
WEARS, vi. 217, 218
WEIGHTS AND MEASURES,
one measure throughout the realm, viii. 306, 307. 312
public weights and measures to be sent into each county, viii. 307, 308, 309. 312
measure of corn, viii. 308
in cities and towns, viii. 309-10
regulation of weights and measures, viii. 313. 321, 322. 325
clerk of markets, *ib.*
measures of corn and salt, viii. 315. 317
measures for retailing ale and beer, viii. 318
establishment of uniformity in weights and measures, viii. 327 *a*. 327 *m*
regulations respecting former acts, viii. 327 *f g*
repeal of old acts, viii. 327 *g* 327 *k*
WIDOWS, i. 191
WILLS,
statute of frauds, i. 211
non-cupative, i. 235
power to devise lands, i. 450
policy law and cases, *ib. n*
explanation of statute of wills, 32, H 8, c. 1, i. 457
creditors relieved against fraudulen devises, i. 462
law and cases, i. 463, 464, in notis
attestation, i. 465
of copyhold estates, i. 467
of chattels, ii. 348
WITNESSES,
against felons, vi. 19
refusing to answer, iii. 291
WOOD SHRUBS, &c. See *Malicious Injuries to Property*
WOOLLEN MANUFACTURE. See *Artificers*, viii. 182, &c.
WORKHOUSES. See *Poor*
WORKMEN. See *Servants*, *Labourers*, *Artificers*

Y.

YORK,
administration in province of, vi 356
disposition of personal estates notwithstanding custom of the province viii. 361

Printed by Mills, Jowett, and Mills, Bolt-court, Fleet-street.

00079215

Digitized with financial assistance from the
Government of Maharashtra
on 10 February, 2016